

BOSTON PUBLIC LIBRARY

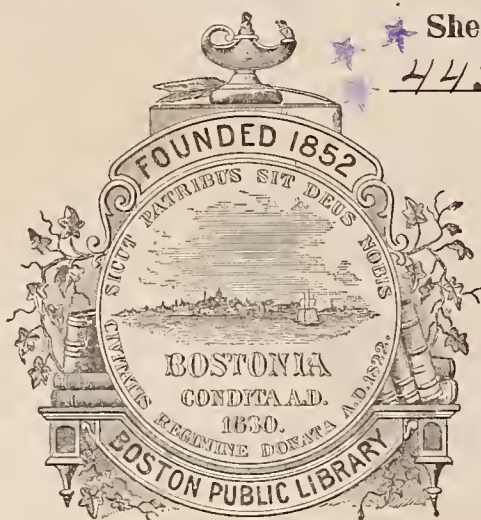


3 9999 06658 815 1



Shelf No

4430.119







Digitized by the Internet Archive  
in 2012 with funding from  
Boston Public Library

<http://archive.org/details/thecharteractsla00rhod>



# ACTS AND LAWS

OF THE

COLONY OF RHODE ISLAND

1719

A FAC-SIMILE REPRINT.







THE  
CHARTER  
AND THE  
ACTS AND LAWS  
OF  
HIS MAJESTIES  
COLONY  
OF  
RHODE-ISLAND,

Ms. A. 30 119

AND  
Providence-Plantations

In AMERICA,

1719

A FAC-SIMILE REPRINT

WITH

A Bibliographical and Historical Introduction

By SIDNEY S. RIDER.

PROVIDENCE, RHODE ISLAND  
SIDNEY S. RIDER and BURNETT RIDER

1895.



13 4

Jan. 12 1895

to

*This edition comprises*

*Fifty copies only.*

no 17

*Sidney S. Rider*

WILLIAM L. GUNN

NEW YORK

1895



A  
BIBLIOGRAPHICAL AND HISTORICAL  
INTRODUCTION

TO THE

DIGEST OF RHODE ISLAND COLONIAL LAWS OF 1719

AND

INCIDENTALLY TO ALL OTHER FOLIO DIGESTS  
OF RHODE ISLAND LAWS,

BY

SIDNEY S. RIDER.

B. H.

Jan. 12 1895  
6

Entered according to Act of Congress  
in the Office of the Librarian of Congress, by  
LORANIA B. RIDER,  
1895.



BEFORE entering upon a particular account of the Digest here printed in *fac simile* it may be well to present a short bibliographical note concerning all these folio Digests of the Rhode Island Colonial Laws. These Digests bear the following dates, to wit, 1719, 1730, 1744, 1752, 1767, 1772. These are all the folio Digests printed by the Colony. The Charter of Charles the Second was prefixed to the Digests of 1719, 1730, 1744 and 1767; it was omitted from the Digests of 1752 and 1772. In each case where the Charter was prefixed, there are two title pages; the First is, "The Charter granted by His Majesty King Charles the Second, to the Colony of Rhode-Island, and Providence-Plantations in America"; the Second title is "Acts and Laws of His Majesty's Colony of Rhode-Island and Providence-Plantations in America." These two forms apply specifically to the Digests of 1719 and 1730. There were changes in the titles of the Digests of 1744 and 1767 as follows: the first title in the first of these Digests is "The Charter granted by His Majesty King Charles II to the Governor and Company of the English Colony of Rhode-Island and Providence-Plantations in New England in America." The second title, in the Digest of 1744 is, "Acts and Laws of His Majesty's Colony of Rhode-Island and Providence-Plantations in New England in America." In the Digest of 1767 it is thus: "Acts and Laws of the English Colony of Rhode Island and Providence-Plantations in New England in America." While upon this matter of title pages, the two remaining, to wit, that of 1752 and that of 1772 may as well be given; the first, 1752 is, "Acts and Laws of His Majesty's Colony of Rhode-Island and Providence-Plantations in New-England in America From Anno 1745 to Anno 1752"; the last, 1772 is, "Acts and Laws of the English Colony of Rhode-Island and Providence-Plantations in New-England in America; Made and passed since the Revision in June 1767. Compared and corrected by the Secretary." These are all the titles, of all

the Folio Colonial Digests of Rhode Island. Indexes were supplied in the Digests of 1719, 1730, 1744, 1752 and 1767 but there was no Index in the Digest of 1772.

### THE DIGEST OF 1719.

This Digest the titles of which have been already given, was printed in Boston in New-England by John Allen for Nicholas Boone at the Sign of the Bible, in Cornhill, 1719, the date of the second title is 1179. The pagination is, first title, not counted, two pages; charter, eight pages; second title, not counted, two pages; the Laws 1 to 102 both inclusive; and the Table, or Index four pages. There is no page 51, but there are two pages numbered 52, and there are no pages 92 or 93. The edition consisted of about eighty copies, and possibly a few more; the Colony purchased for the printer "four score law books." The history of the book is as follows; at the July session 1715 a Committee was appointed to "transcribe, fit and prepare for the press all the laws contained in the whole body of laws in the Colony which laws lie in a very disordered condition and only in the hands of some few persons." Thomas Frye and Andrew Harris comprised the committee; when ready the laws were to be submitted to the Assembly for confirmation. It was found that some reconstruction of the laws was necessary and at its October session 1717 a Commission to "revise, correct, transcribe and fit for the press" the laws was created. Gov. Joseph Jenckes, Thomas Frye, Nathaniel Newdigate and Richard Ward (Recorder of the Colony) comprised the Commission. In June 1718 the Assembly ordered the General Recorder, Richard Ward, to transcribe the laws for the press "with marginal notes thereon" (*Col. Rec.* 4 p. 234) and the book was printed as herein stated. In May 1719 the whole edition was distributed by the Assembly in this way—one copy to each member of the Assembly, and one copy to each town, to be lodged in the town clerk's office for the use of the town; this left twenty-nine copies, which were divided among the towns in this way, to Newport, four, to Providence, five, to Portsmouth, three, to Warwick, three, to Westerly, three, to New Shoreham, two, to Kingstown, five, to East Greenwich, two, to Jamestown, two. There is no record of re-enactment of this Digest by the General Assembly nor of the repeals of former laws not contained in it. It is in this Digest that the clause excluding Roman Catholics from political rights first appears; but a discussion of the origin of this clause will be held for a place later in this Introduction. The "Errors of the Press" in this Digest were found to be so numerous, that it became necessary at once to have them corrected; the General Assembly immediately, in September 1719, appointed a committee to correct and "get them printed." No copy of this publication is known.



## THE DIGEST OF 1730.

This volume was printed at Newport, Rhode Island, by James Franklin, 1730. The method of pagination is as follows. First title not counted, two pages, charter twelve pages, the Table, or Index not paged, twelve pages, second title, not counted, two pages, and the Laws from one to 210 both inclusive. The Index was separated, each letter from the other, leaving blank spaces between each, for the purpose of inserting new matters, in manuscript. This plan was made necessary because of the plan provided by the Colony in printing successive laws; so beginning with page 211, the Laws of a Public Nature which were enacted in May 1730 were printed in uniform style with the preceding Digest. This plan was continued until the session of February 1736, which session was included. These supplementary laws were paged 211 to 283 both inclusive. The Digest was ordered made by the General Assembly in June 1728, and a Commission consisting of Richard Ward (then General Recorder), Daniel Updike, Henry Bull, and Nathaniel Newdigate was appointed to "revise said Laws" and were "empowered to agree with the printer." This Commission reported at the session of February 1728-9, it had employed a "scrivenor," Josias Lyndon, which proceeding was legalized by the General Assembly, and payments ordered to be made to him; the Commission was paid £15 each, which sum was to include their "attending the printer as often as occasion required." Thereupon the General Assembly enacted the Digest in these words, "Voted and enacted by this Assembly that the several laws revised, repealed, explained, and acts presented to the Assembly by the Committee appointed for that purpose, in order to be put in print be allowed and approved of" (*Col. Rec.* 4, p. 417). The supplementary pages to this Digest were printed under the following order of the General Assembly made in February 1730-31, "ordered that all general laws of this Colony which have been made since the laws were printed be forthwith put in print after the rising of the Assembly and that the former Committee have the oversight of the same" (*Col. Rec.* 4, p. 446). Neither of these entries will be found in the index to this volume of the Colonial Records. At the October session following, the General Assembly took the matter of printing these supplementary leaves from the Committee and put it specially into the hands of Richard Ward and Daniel Updike, but before printing the laws they were "first viewed by the Governor," Joseph Jenckes. In October 1736 the General Assembly passed this Resolution, "That the public Acts and Laws of this Colony now in force, and not yet in print, be printed, and that His Honor the Governor, John Wanton, Col. Daniel Updike, the Attorney-General, James Honeyman, Jr. and the Secretary, James Martin, be a committee to procure the same to be done; and that they treat with the Widow Franklin,

about printing said Acts and inquire into her ability for that purpose," and if it appears to them that she is qualified for the same, and they can agree with her upon reasonable terms that she be employed." We have no present knowledge of the number of copies of the edition of this Digest; but with reference to the supplementary leaves we have this record. James Franklin petitioned the General Assembly for assistance and patronage in June 1732; whereupon the General Assembly passed this Resolution, "That James Franklin be allowed and paid out of the General Assembly the sum of £20 at the year's end provided he print therefor what Gen'l Acts shall be past by the Gen'l Assembly within ye said Term, twenty copys of each Act" (*Col. Rec.* 4, p. 524), but more fully set forth in Rogers' *Private Libraries of Providence*, pp. 123-4. This would seem to fix the number of copies in each edition so far as these supplementary leaves are concerned. Concerning the main volume we have this record of distribution; one copy to every member of the present (June 1729) General Assembly, both upper and lower houses, and an extra copy to the Recorder, Sheriff, Attorney-General, and General Treasurer. This resolution covers not only members of the General Assembly, but the entire personel of the Colonial Government, and would require at least fifty-one (51) copies; but there were more than this number for the Assembly voted "and the rest be disposed of as the Colony shall think fit." The pagination as herein given varies from that given in the Brinley Catalogue No. 2342, which is usually considered as being unusually accurate; but Mr. Trumbull either failed to count the second title, or the Brinley copy lacked the said title; the pagination as herein given is accurate. There are two pages numbered 276, otherwise the volume is correctly paged.

#### THE DIGEST OF 1744.

This Digest was printed at Newport, Rhode Island, in 1744, by the Widow Franklin; the Second title page bears the date 1745, and it has the Arms of the Colony, then for the first time used. The pagination is thus: First title page and the charter sixteen pages, but the last page is not numbered; the Table, or Index eight leaves, not numbered, but having blank spaces between the letters, for the addition of matters; Second title, two pages, but not counted; Laws from 1 to 308 both inclusive. The figures on pages 23 and 24 are misplaced, being on the left side instead of the right side, as was proper. In February 1741-2 the Committee comprising James Honeyman, Jr., Thomas Ward and James Martin was appointed to revise the laws; in November of the same year another committee was appointed, to wit, Daniel Updike, James Honeyman, Jr., Thomas Ward, Edward Scott, and Josias Lyndon; this Committee were to "revise the laws as soon



as conveniently may be in order that the same may be reprinted, and a printed copy to be sent home." Nearly all these Digests were made under the pressure of the English Government; this pressure arose from two causes, first, complaints against the Rhode Island Government; and second, cases appealed from the Colonial Courts, to the Courts of England; in the adjudication of these cases authentic copies of the laws were imperatively required. The year following, 1743, a new committee was appointed, the third. It comprised Samuel Wickham, Gideon Wanton, Edward Scott, Thomas Ward and James Martin. At the August session 1743, John Callender, Jr., was added to the Committee, and any three of them were empowered to act, and it was ordered to put the laws into print which they had already revised, transcribed, and presented to the Assembly, putting the charter in print in the first place, and five hundred copies were ordered printed, and every member of the Assembly was given a copy. The book was scarcely issued when the General Assembly was informed that the Widow Franklin had printed a private edition for her own use from the types which the General Assembly had paid her for setting; thereupon a fine of £5 was laid upon the widow for every copy which she should sell within one year from the rising of the Assembly; so that we do not know how many copies of this Digest were printed; the whole of the edition was then placed in the custody of the General Treasurer, to be sold at "thirty shillings apiece." These men who actually made the revision, to wit, Gideon Wanton, John Callender, Jr., Samuel Wickham and Edward Scott, were paid £150 for their service, and John Callender, Jr., for serving as proof reader, was paid £30 in addition, all in the depreciated paper bills of credit.

#### THE DIGEST OF 1752.

This Digest was printed at Newport R. I. by James Franklin, a son of Widow Franklin. It was made by order of the English Government (*Col. Rec.* 5, *p.* 355). But nearly a year before this order the General Assembly had appointed a committee "to collect the laws" made since the Digest of 1744 and "have five hundred copies, and no more, on any pretence whatever, printed," and to exact a bond of the printer "that he will not print, nor suffer to be printed in his press, any greater number." There is in the office of the General Treasurer a book of accounts, from which this account came:

Account Law Books Rec. from ye Printer.				
1752	10 Oct. 24	Rec'd 17 & 3	before making	20 is 20
	11 Nov. 22	Rec'd 75	Feb. 1 Rec'd more,	25, is 100
1753	8 Aug. 23	Rec'd more,		352
	& he Franklin accompting for			19 371

---

491

Sales at £1 each to Oct 1st 1754 118 cops.

The pagination is first the title page, two pages, not counted, second, the Table, three leaves, six pages not counted, third, the laws, 1 to 110, both inclusive.

#### THE DIGEST OF 1767.

This Digest was printed by Samuel Hall, Newport, and sold by him, the Colony having nothing to do with the sale. The pagination is as follows: First title and the charter, sixteen pages, the last not numbered; the Table, or Index, forty six (46) pages; the second title not counted, and the Laws, 1 to 272, both inclusive, following the last page, and the word *Finis*, comes an additional leaf, on which is printed the repeal of a portion of an Act, which is printed on the 24th page of this Digest. This leaf is not paged. The history of the publication is as follows: In December, 1758, a committee was appointed to revise all the laws, digest them, print five hundred copies, at the charge of the Colony, "nevertheless the said committee after they have prepared the draught shall lay the same before the General Assembly for their approbation, which being obtained the printing is to commence, and not before," (*Col. Rec.* 6, p. 172.) Nothing came of this committee. In June, 1760, another committee superseded this one, and in September, 1762, still another committee was appointed; this superseded the second one; in 1765 this last committee not having reported, was directed to "collect all the laws now in force, which have been made on one subject and reduce them into one law." In other words the digester was directed to digest. The next year, 1766, the committee asked further instructions which the General Assembly gave to it; and the same year the manuscript of the new Digest was sent to the printer, and two hundred copies were ordered to be printed. The Digest had been nine years undergoing the digesting, and cost the Colony £132-13-3. A report by the committee of revision claim for this Digest a vast improvement in method and completeness over any Digest which preceded it. The Index was prepared, and printed at a later date and separately, which accounts for the number of copies now found without this indispensable addition; the Report here referred to can be found in *Col. Rec.*, v. 6, p. 506. Concerning the Index as stated here, see Acts and Resolves, September, 1768, p. 44. The Index was printed by Solomon Southwick, the Digest itself as before stated by Samuel Hall, who had liberty to print as many copies as he pleased over and above the number, two hundred copies ordered by the Colony.

#### THE DIGEST OF 1772.

This Digest is usually spoken of as the Supplement to the Digest of 1767; but nothing contained within it mentions the word Supplement. It contained only the general laws enacted since the Digest



of 1767. The pagination runs from 1 to 42, counting the title page, and the last page, which is blank. This publication was doubtless a private venture by the Colonial printer, Samuel Southwick. It was prepared by no committee, nor under any order of the General Assembly. The title page says, "Compared and corrected by the Secretary." No such certification appears on any other of these Digests.

#### THE GREAT FUNDAMENTAL LAWS OF THE COLONY.

The power to make laws was conferred by the Charter upon the General Assembly. The limit to this power of legislation was determined by the terms of the Charter. The Assembly was directed "from time to time to make, ordain, constitute or repeal such laws, statutes, orders and ordinances, &c., as to them shall seem meet for the good and welfare of the said company." . . . "so as such laws, ordinances and constitutions so made be not contrary and repugnant unto, but as near as may be, agreeable to the laws of this our realm of England, considering the nature and constitution of the Place and people there." (Charter, p. 3.)

In considering the nature of these Digests, it must not be forgotten that they represent only to a small extent the laws governing the Colony. The statutes of England were the real laws here from the beginning until 1744; from that time only certain of the statutes of England were in force. In 1647 the General Assembly ordered that "the Sea Lawes, otherwise called the Lawes of Oleron, shall be in force among us." (*Col. Rec.* 1, 151.) The common law of England was from the earliest times made to be a part of the laws of the Colony. (*Code of 1647*, p. 20.) In this Code are repeated references to English statutes as being a part of the Colonial statutes, citations are unnecessary; the most superficial examining will disclose them. Subsequently the entire body of the English statutes was put in force in the Colony (*Digest*, 1719; p. 45.) These Colonial Digests may be therefore regarded, especially the earlier ones, not so much codes, as being what we now term Police regulations. People had come out of a country supplied with the necessary adjuncts of a civilized community, to wit, Executive, Legislative and Judicial departments; and settled in a wilderness, among barbarians. They were wholly without system. They resorted to the legislative forms of the country out of which they came, which legislation they supplemented with such laws as the people and the place made necessary. These Colonial Digests then practically represent such laws only as the place required, and the English Statutes did not supply. They in fact represent *that* in the laws which these little groups of Englishmen which settled here found necessary for the protection of their lives and property.

The Founders of the Colony of Rhode Island laid the foundation, first in absolute Religious Liberty; Freedom of the Soul from legal restraint of every or any form; from this fundamental prin-

ciple Rhode Island never swerved nor faltered. This in 1636. In the Verin case, these Founders laid the foundations of the Spiritual Freedom of Women; by marriage, no man acquired the right of control on the wife in religious matters. This in 1637. Now comes an amendment of Magna Charta itself. This in 1647. In a single sentence the last remnant of Feudalism was stricken from the great chapter in this document, and a representative constitutional government was established, the first on this continent. A Code of Laws was enacted, which when considered in connection with the time, and the surroundings of the men who enacted it stands without a parallel in New England history. Human Slavery was prohibited. This in May 1647. Mr. S. G. Arnold (*Hist. R. I.*, 1, 240), says the earliest anti-slavery law in Rhode Island was enacted in May 1652, but he overlooked these words, "touching lawes," in this early Code "No person in this colonie shall be taken, or imprisoned, or be disseized of his Land or Liberties, or be Exiled, or otherwise molested." Imprisonment for debt was made not only not possible, but actually unlawful, in these words, "but he shall not be sent to prison there to lye languishing to no man's advantage, unless he refuse to appear." (*Col. Rec.* 1. 181.) Witchcraft, which broke out in a neighboring colony with such virulence, half a century later, went unpunished in Rhode Island. The manner in which the subject was handled shows well the superb intellectual qualities which these exiled Englishmen exhibited. These are their words "Witchcraft is forbidden by this present Assembly, to be used in this Colonie; and the penalty imposed by the Authorities that we are subjected to, is felonie of death." (1 *Jac.* 12.) Thus no penalty was imposed in Rhode Island, for an imaginary crime which in all the surrounding Colonies was punished by Death. Transfer of lands, and houses, could be made only in a writing, sealed, and enrolled, in a meeting of the Town, where such land doth lye. The binding character of a contract between parties was declared. "The covenanters names must be interchangeably putt to each writing, and the hands of two witnesses subjoyned, that they draw them up or procure them to be drawn up in writing, and expressed in as few words, and as plaine formes, and as easie to be understood, as may be." The Assembly pledged itself in these memorable words "We do joyntlie agree in this present Assemblie, to make such lawes as concerne provision for the poore, soe that the impotent shall be mainteyned, and the able employed, and to prevent poverties, it is agreed that such lawes be made as concernes ye ordering of Ale-houses, and Taverns, Drunkenness, and unlawful gaming therein. A man could be punished only by the lawful judgment of his peers, or *by some known law, and according to the letter of it.* No retroactive laws were permitted, nor was a Judge allowed to interpolate imaginary words into a statute; words not placed there by the legislative power, and which might materially change, or



utterly annihilate the whole force of the Statute. Certainly nothing comparable to these principles can be found elsewhere in New England, or in the history of any other Commonwealth in America. Let me present this Amendment side by side with the Chapter from Magna Charta, that all may see it :

*Code of 1647 of Providence Plantations. Chapter 29, Magna Charta.*

That no person in this Colony shall be taken or imprisoned, or be disseized of his land or liberties, or be exiled, or any otherwise molested or destroyed but by the lawful judgment of his peers, or by some known law, and according to the letter of it, ratified and confirmed by the major part of the General Assembly lawfully met and orderly managed.

No Freeman shall be taken or imprisoned or disseized of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any other wise destroyed ; and we will not pass sentence upon him, nor condemn him but by lawful judgment of his peers or by the law of the land.

The vast change which these few words injected into Magna Charta, wrought in the conditions and liberties of men, can only be understood by comparing what followed here, with that which preceded it in England, all of which these Founders knew, and some of which they had suffered. The principles here laid down spread from colony to colony until they covered all the lands on this continent governed by Englishmen, and to this day they are the great bulwarks of our liberties ; they are now inwrought into the minds of men, and hold the foremost place in every written constitution of a State. Let me quote here a greater authority than I can ever hope to be, upon this matter.

The late Chief Justice Staples, of the Rhode Island Supreme Court, thus speaks of these fundamental enactments : “ They demand the serious perusal and careful attention of the descendants of these Founders ; for upon them (the four sections of the Bill of Rights) as upon a sure foundation rests all their subsequent legislation ; the first (clause) is a re-enactment of a clause in Magna Charta, amended by providing against that whole progeny of constructive treasons and felonies which at the time this law was passed, and in times immediately preceding was undermining the fair fabric of English liberty. On the ground that an act was treasonable, or felonious within the intent and spirit, though confessedly not within the letter of the law the courts of England were enabled not only to molest, but to destroy any man who withstood the good pleasure of the sovereign ; almost with a single word this whole host of implied crime, and the foundation of this *ex post facto* judicial legislation was struck for existence here, as inconsistent with the nature and the constitution of the place ; an



act to be criminal here must be within the letter of some known law." (Proc. First Gen. Assem. (note) p. 19.)

These principles became, what came to be known at a later period as the *Bill of Rights*; they were incorporated into every Digest; and before Rhode Island would adopt the Constitution of the United States, in 1790, they were incorporated into that Constitution, in the Ten Amendments adopted in that year; and in 1842 they were incorporated into the Constitution of Rhode Island, which was the outcome of the political revolution which at that time took place.

It is this Bill of Rights, somewhat amplified in form, but with no change in principle, which appears on page three of the Digest here presented, and it also appeared without further change in each of the Colonial Digests, with the exceptions of 1752 and 1772. In the Digest of 1798 it was elaborated into ten sections, and in 1842 these ten sections became a part of the Constitution of Rhode Island, as before written. In the second paragraph, or section, occurs the clause disfranchising Roman Catholics. It is this clause which for a century has been hurled at Rhode Island as an evidence of inconsistency on the part of the Founders, in their "pretended" efforts for Religious Liberty. It has nothing whatever to do with the principle of Religious Liberty; all Roman Catholics here were entitled to, and in fact received the same degree of Religious Liberty, which was absolute freedom, that every other religious sect received; they were neither helped nor hindered. The Colony in 1719 had come to distrust the Roman Catholic, in an honest and earnest effort to plant a State on the principle of absolute Religious Freedom. Concerning the origin of this clause the present writer has, in a former paper entered upon an elaborate inquiry (Rhode Island Hist. Tract, Sec. Ser. No. 1.) I propose here to enter again upon a history of this Statute and in so far as it will be necessary to draw upon the *Inquiry* above referred to; this will be done, without quotation marks.

The Statute with the Roman Catholic exclusion clause appears for the first time either in the manuscript records, or the printed Laws in this Digest of 1719. There is no date affixed specifically to the Statute in this Digest, but the Statute itself forms one of a group of Statutes, all of which are said in the Digest (page 1) to have been "made and past" the first day of March, 1662. Here is of course an error in the year; instead of 1662, it was in 1663-4 that the Charter was accepted, and all these laws were enacted subsequent to that acceptance. This error was corrected in the next Digest published by the Colony, that of 1730. With slight verbal changes the law was published in the Digests of 1719, 1730, 1745 and 1767. Before the printing of the Digest of 1719 the law cannot be found in any Rhode Island Record. In January, 1704, the General Assembly ordered the Laws transcribed, digested and prepared for printing. This Manuscript is now

intact; it includes all the laws in force in the Colony in the year 1705; this law is not in this Manuscript. In May, 1665, the King Charles 2nd, sent a Commission to Rhode Island with five propositions for the considerations of the Colony; the second of them is in these words: "That all men of competente estates and of civil conversation who acknowledge and are obedient to the civil magistrate, though of differing judgements, may be admitted to be freemen and have liberty to choose and be chosen officers, both civil and military." This clause was at once enacted into their laws verbatim, Col. Rec. v. 2, pp. 110-113. Charles the Second was certainly not likely to exclude Roman Catholics from political rights, and it must be observed that the words of the Statute of 1719 "*professing Christianity*" and "*Roman Catholicks only excepted*" are neither to be found in the proposition from the King, nor in the enactment of 1665. Here I make the point that had the law been in existence before its enactment in 1665, it would then have been not necessary to accept the King's propositions. I reproduce the two laws side by side. For the first I cite the Colonial Records as printed by the State, because it is more accessible to those who are curious, but I have carefully verified it with the original manuscript, and declare it to be absolutely correct.

*Col. Rec., 2, 110, May, 1665.*

"That all men of competente estate, and of civill conversation who acknowledge and are obediant to the civill magistrate though of differing judgments may be admitted to be freemen and have liberty to choose and to be choosen officers both civill and [military.] "

*Digest of 1719, p. 3.*

"And that all rights and privileges granted to this Colony by His Majesties Charter, be entirely kept and preserved to all His Majesties subjects residing in or belonging to the same; and that all men *professing Christianity*, and of competent estates, and of civil conversation, who acknowledge, and are obedient to the civil magistrate, though of different judgments in Religious affairs (*Roman Catholicks only excepted*) shall be admitted Free-men, and shall have liberty to chuse and be chosen officers in the Colony both Millitary and Civil."

Thus it appears that the law which the Founders of Rhode Island enacted contained no religious tests whatever. These tests first appear in the Digest of 1719 with which not one of the Founders of Rhode Island could by any possibility be connected. These religious tests moreover do not in any manner



entrench upon the principle of Religious Liberty. Every individual could enjoy his religion untaxed for any other man's religion ; but he could not vote, or hold office, and it was these two conditions only which constituted a freeman.

It having been shown that these religious propositions have no existence in the Colonial Manuscript Record of Rhode Island, and hence could not have legal enactment before the printing of the Digest of 1719, it is now denied that by the publication of that Digest they became the law of Rhode Island.

A proposition laid before the supreme legislative power is not a law prescribed by that power until it has been acted upon by that power, accepted by it, made a matter of record, and promulgated. Those words only become law which were acted upon by the supreme legislative power, and were so recorded, and were promulgated ; words introduced, interpolated into a Statute by parties who are not the Supreme Legislative power have not the force of the original Statute. Such words are not laws, they are spurious. The things done by the General Assembly in relation to this Digest appear in another place in this Introduction. Nothing appears of record to show that the committee directed to transcribe the laws ever submitted their transcription to the General Assembly ; nothing appears of record showing the acceptance by the General Assembly of the body of laws which the committee prepared. Laws in complete form, or carefully written out, seldom were acted upon by the General Assembly. Abstracts were kept in the Secretary's office to be written out if occasion required. There having been no re-enactment of the entire Digest of 1719 such propositions as had not been previously enacted into laws, did not become laws by reason of their being incorporated by the Committee among the genuine laws in this book. These conditions were all changed when the Digest of 1730 came to be published. In the case of that Digest, the entire book was received, adopted, accepted, and promulgated. It contained the real laws of the Colony of Rhode Island.

A singular, and inexplicable instance of the erroneous preparation of this Digest occurs on page 13. At the top of the page is the law establishing the Seal of the Colony ; it forms the concluding section of the law preventing clandestine marriages. This law in relation to marriage was enacted not in 1662 as this Digest gives it, but in 1647 (*Col. Rec. v. 1, p. 187*). The seal law, in the form here given, was enacted in May, 1664 (*Col. Rec., v. 2, p. 41*). In all the Digests following that of 1719, the law appears in its proper form. But the history of this seal law gives an excellent illustration of the unreliable character of all dates in these Folio Digests, it is given in Rhode Island Historical Tract, Second Series No. 1, pages 47-49.

For the purpose of studying the origin and growth of the laws the compilers of each Digest have placed dates, both of the origin

of the laws, and the dates of the changes which followed. In this Digest of 1719 the first fourteen pages are all given as having been originally enacted on "the first day of March, 1662" (page 1). In the next succeeding Digest, that of 1730, these laws are reduced to six pages, and the date 1662, is corrected to 1663. Concerning the accuracy of this statement the late Chief Justice Eddy, of the Supreme Court of Rhode Island, says, "not one section of any of these laws (ascribed to March, 1663) was passed at that session," and I reiterate the truth of his statement. Let me illustrate by showing the law regulating Weights and Measures. The index to this Digest of 1719 places the law on page 41, which law is a supplementary one, while the main law is on page 9; here it is declared to have been enacted in 1663. This same law, minus the last section, appears in the Digest of 1730 (page 177) where it is declared to have been enacted in 1728; neither statement is correct. The General Assembly at its May session, 1698, enacted a law declaring "there are not stated weights and measures in the Colony," and that that fact was "a discouragement of strangers to deal" and it ordered that "so many weights and measures as were ordered by an Act of 27th October, 1674" be established as the standard (*R. I. Col. Rec.* 3, 334). Here is an error; there was no Act of October, 1674, but there was an Act of May, 1675 (*Col. Rec.* 2, 529). All this could not be correct if the dates in either Digest were correct. Let me go a step further with this law. It appears in the index to the Digest of 1744 twice, but without the page, in either entry; but a careful examination of this Digest, reveals the fact that it was omitted, and doubtless by accident; but it was nevertheless still the law for the Colony since there is no record of repeal. In the Digest of 1767 a different way appears of giving these dates of the origin, and times of changes in the laws. Thus, the law regulating the election of town officers is given with these dates, 1666, 1680, 1747, 1753, 1754, 1756, 1765, but there is no more correctness in these dates, than in those given in the former Digests. Those who will trace the history of legislation in Rhode Island must make original research. We have in Rhode Island one such study only, that relating to the regulation of the Sale of Intoxicating Liquors, made by Judge Stiness, of the Appellate Court, wherein he aptly characterizes the subject as having been the football of legislation.

The value of these *Digests*, and of the *Acts and Resolves* of the General Assembly, in studying the history of Rhode Island, can scarcely be overestimated. They are the true bases of history, and in the absence of all contemporary chronicles by individuals become almost the sole bases of historic research. They furnish the most graphic of illustrations of the transformation of a wilderness, inhabited by barbarians, and infested by wild beasts, into a civilized State, most advanced among the nations of the earth, a State which laid the foundations of all the laws of these United



States now existing, relating to the political, or religious liberties of men, and to their judicial rights as well under these laws. It was a part of my original purpose to draw a picture of the industrial development of the Rhode Island colonists under this legislation, but upon consideration it has been decided to be not necessary, however interesting it might be, to an essay of the character of this present, the purpose therefore awaits some other occasion. The practice of the *referendum* during the earlier years of the Colony, together with the practice of holding the sessions of the General Assembly in different towns in all parts of the Colony tended to bring the people in close touch with the General Assembly, in fact the people were the General Assembly.







THE  
CHARTER  
Granted by His Majesty  
King CHARLES  
The Second,  
TO THE  
COLONY  
OF  
Rhode-Island,  
AND  
Providence-Plantations  
In A M E R I C A.

---

B O S T O N, in N E W - E N G L A N D.

Printed by *John Allen*, for *Nicholas Boone*, at the Sign of the  
B I B L E in *Cornhill*. 1719.





*The CHARTER granted by His Majesty KING CHARLES the Second, &c.*

**C**HARLES THE SECOND, By the Grace of GOD, King of *England, Scotland, France, and Ireland*, Defender of the Faith. &c. TO ALL to whom these Presents shall come, Greeting. Whereas We have been informed by the Humble Petition of our Trusty and well-beloved Subject, *John Clarke*, on the Behalf of *Benjamin Arnold, William Brenton, William Coddington, Nicholas Eaton, William Bolston, John Porter, John Smith, Samuel Gorton, John Wicks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randell Holden, John Green, John Roome, Samuel Wilbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre*, and the Rest of the Purchasers, and Free Inhabitants, of our Island called *RHODE-ISLAND*, and the rest of the Colony of *Providence-Plantations*, in the *Narrogansett Bay* in *New-England* in *America*. That they pursuing with Peaceable and Loyal Minds, their Sober, Serious and Religious intentions, of Godly edifying themselves, and one another in the Holy Christian Faith and Worship, as they were perswaded: together with the gaining over, and Conversion of the poor Ignorant *Indian* Natives in those parts of *America*, to the sincere Profession, and Obedience, of the same Faith and Worship; did not only by the Consent and good Encouragement, of our Royal Progenitors, Transport themselves out of this Kingdom of *England* into *America*. But also since their arrival there, after their first Settlement amongst other our Subjects in those parts, for the avoiding of Discord, and those many Evils which were likely to ensue upon some of those our Subjects, not being able to bear in those Remote parts, their different Apprehensions in Religious concerns. And in the pursuance of the above-said Ends; Did once again, Leave their desirable Stations, and Habitations, and with Excessive Labour and Travel, Hazard and Charge, did Transplant themselves into the midst of the *Indian* Natives. Who as We are informed, are the most Potant Princes, and People of all that Country, Where by the Good Providence of GOD, from whom the Plantations hath taken their Name. Upon their Labours, and Industry; have not only been preserved to Admiration, but have Increased and Prospered, and are Seized, and are Possessed by Purchase, and Consent of the said Natives to their full content, of such *Lands, Islands, Rivers, Harbours, and Roads*, as are very convenient, both for Plantations, and also for Building of *Ships*, supply of *Pipe staves*, and other Merchandize, and which lyes very commodious, in many respects for Commerce, and to accomodate our Southern Plantations, & may much Advance the Trade of this our *Realm*; And greatly enlarge the Territories thereof, They having by near Neighbourhood to, and Friendly Society with the Great Body of the *Narrogansett Indians*, given them Encouragement of their own accord, to Subject themselves, their People and Land unto Us: Whereby as is Hoped there may in Time by the Blessing of GOD, upon their Endeavours, be Laid a Sure Foundation of Happiness to all *America*. AND Whereas in their Humble Address, They have Freely Declared, the it is much on their Heart, if they may be permitted to Hold forth a Lively Experiment, That a most Flourishing Civil State, may stand and best be Maintained, and that amongst our English Subjects, With a full Liberty in Religious Concernments; And that true Piety, Rightly Grounded upon Gospel Principles, will Give the Best and Greatest Security to Sovereignty; And will lay in the Hearts of Men the Strongest Obligations to true Loyalty. NOW KNOW YEE, That we being Willing to Encourage the Hopeful Undertakings of our said Loyal and Loving Subjects, And to Secure them in the Free Exercise and Enjoyment of all their Civil and Religious Rights Appertaining to them, as our Loving Subjects; And to Preserve unto them that Liberty in the true Christian Faith and Worship of GOD, Which They have fought with so much Travel, And with Peaceable Minds and Loyal Subjection to Our Royal Progenitors and Our Selves to Enjoy. AND Because some of the People and Inhabitants of the same Colony, cannot in their private Opinions, Conform to the Publick Exercise of Religion according to the Liturgy, Forms and Ceremonies of the *Church of England*, or take or Subscribe the

*The Petitioners.*

*The Petition and Grounds of the Grant.*



*The Grant  
for Liberty of  
Conscience.*

*Patentees.*

*Power to make  
Common Seal.*

*The Number of  
Magistrates,  
and their  
Duties.*

Oathes and Articles made and Established in that behalf. AND for that the same by reason of the Remote Distances of those Places will (as we Hope) be no Breach of the Unity and Uniformity Established in this Nation. HAVE THEREFORE Thought fit, AND DO HEREBY Publish, Grant, Ordain, and Declare. That Our Royal Will and Pleasure is, That no Person within the said Colony, at any Time hereafter, shall be any ways Molested, Punished, Disquieted, or called in Question for any Differences in Opinion, in matters of Religion, And do not Actually disturb the Civil Peace of Our said Colony. But that all and Every Person and Persons, may from time to time, and at all times hereafter, Freely, and Fully, Have and Enjoy, His and Their own Judgments, and Conscience in matters of Religious Concernments Throughout the Tract of Land hereafter Mentioned; They Behaving themselves Peaceably and Quietly, *And not Using This Liberty to Licentiousness and Prophaness*; nor to the Civil Injury, or outward Disturbance of others. Any Law, Statute, or Clause, therein contained, or to be Contained; Any Usage or Custome of this Realm to the Contrary thereof in any wise notwithstanding. And that they may be in the better Capacity to defend themselves in their Just Rights and Liberties, against all the Enemies of the Christian Faith, and others in all Respects. WEE Have further thought Fit; And at the Humble Petition of the Persons aforesaid, Are Graciously pleased to Declare, That they shall Have, and Enjoy, the Benefit of Our Late Act of Indemnity, and Free Pardon, as the rest of our Subjects in other Our Dominions and Territories have. AND TO CREATE, And make Them a Body Politick and Corporate, with the Powers, and Priviledges herein after-mentioned. AND accordingly Our Will and Pleasure is, AND of Our Especial Grace, Certain Knowledge, and meer Motion, WEE Have Ordained, Constituted, Declared, and by these Presents, for Us, Our Heirs, and Successors, DO Ordain, Constitue, and Declare, That they the said William Brenton, William Coddington, Nicholas Easton, Benadict Arnold, William Bolston, John Porter, Samuel Gorton, John Smith, John Wicks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall Joseph Clarke, Randal Holden, John Green, John Roome, William Dyre, Samuel Wilbore, Richard Tew, William Field, Thomas Harris, James Barker, Rainsborough Williams, and John Nixson. And all such others as now are, or hereafter shall be admitted, and made Free of the Company, and Society, of Our Colony, of Providence-Plantations, in the Narragansett Bay in New-England. Shall be from time to time, and for ever hereafter, Be A BODY CORPORATE and POLITICK in Fact and Name; By the Name of the GOVERNOUR and Company of the English Colony of RHODE-ISLAND, and Providence-Plantations, in New-England in America. AND that by the same Name, They and their Successors, shall and may have Perpetual Succession. And shall and may be Persons able and capable in the Law, to Sue and be Sued, to Plead, and be Impleaded; to Answer, and to be Answered unto, to defend, and to be defended, in all and Singular Suits, Causes, Quarrels, Matters, Actions and things, of what Kind or Nature soever. AND ALSO TO HAVE, Take, Possess, Acquire, and Purchase Lands, Tenements or Hereditaments, or any Goods or Chattels; and the same to Lease, Grant, Demise, Aliene, Bargain, Sell and dispose of, at their own will and Pleasures, as other our Leige People of this Our Realm of England, or any Corporation, or Body Politick within the same may Lawfully do. AND FURTHER That they the said Governour and Company, and their Successors, shall and may for ever hereafter have a common Seal to serve and use for all Matters, Causes and Things and Affairs whatsoever, of them and their Successors: And the same Seal to Alter, Change, Break and Make New, from time to time at their Will and Pleasure, as they shall think fit. AND FURTHER, We Will and Ordain, And by these Presents, for Us, Our Heirs and Successors. Do Declare and Appoint, that for the Better Ordering and Managing of the Affairs and Business of the said Company and their Successors, there shall be One GOVERNOUR, One DEPUTY GOVERNOUR, and TEN, ASSISTANTS, to be from time to time Constituted, Elected and Chosen out of the Free-men of said Company, for the time being, in such Manner and Form as is here-after in these Presents Expressed; Which said Officers, shall apply themselves, to take care for the Best disposing and ordering of the General Business and Affairs of and concerning the Lands and Hereditaments herein after-mentioned; to be Granted, and the Plantation thereof, And the Government of the People there: AND for the better Execution of Our Royal Pleasure herein, WE DO, for Us, Our Heirs and Successors,



Assign, Name, Constitute and Appoint the aforesaid BENADICT ARNOLD to be the first and Present GOVERNOUR of the said Company, and the said WILLIAM BRENTON to be the Deputy GOVERNOUR, and the said William Bolston, John Porter, Roger Williams, Thomas Olney, John Smith, John Green, John Coggeshall, James Barker, William Field, and Joseph Clarke, to be the Ten present Assistants of said Company; to continue in the said several Offices, Respectively, until the first Wedn sday, which shall be in the Month of May now next coming: AND FURTHER, We Will, and by these presents, for Us, Our Heirs and Successors, Do ordain and grant, that the Governour of the said Company for the time being, or in his absence, by occasion of Sicknes, or otherwise by the Leave and Permission, The Deputy Governour for the time being, Shall and may from time to time upon all occasions, Give order for the Assembling of the said Company; and Calling them together, to consult and advise of the Business and Affairs of the said Company. AND THAT FOR EVER hereafter, twice in every year, *That is to say*, on every first Wednesday in the Month of May, and on every last Wednesday in October, or oftener, in case it shall be Requisite, the Assistants and such of the Freemen of the said Company, not exceeding Six Persons for Newport, four persons for each of the respective Towns of Providence, Portsmouth, and Warwick, and two persons, for each other place, Town or City, who shall be from time to time thereunto Elected or Deputed by the Major part of the Freemen of the Respective Towns and places for which they shall be so Elected or Deputed, shall have a general Meeting or Assembly, then and there to Consult; Advise and Determine in and about the affairs and Business of the said Company and Plantations. AND FURTHER, We Do of Our Especial Grace, Certain Knowledge, and meer motion, Give and Grant to the said Governour and Company, of the English Colony of Rhode-Island, and Providence Plantations in New-England in America, and their Successors; that the Governour, or in his absence, or by His permission, the Deputy Governour of the said Company for the time being, the Assistants and such of the Freemen of the said Company, as shall be so as aforesaid Elected or Deputed, or so many of them as shall be present at such Meeting or Assembly as aforesaid, shall be called the General Assembly; and that they or the greater part of them then present, whereof the Governour, Deputy Governour, and Six of the Assistants, at least to be Seven. Shall Have, and Have hereby Given and Granted unto them, FULL POWER AND AUTHORITY from time to time, and at all times hereafter, to appoint, alter, and change, such Days, Times, and Places of Meeting, and General Assemblies, as they shall think fit. And to Choose, Nominate, and Appoint such & so many other persons as they shall think fit, and shall be willing to accept the same, to be free of the said Company and Body Politick, and them into the same to Admit; AND to Elect, and Constitute, such Officer, and Officers. And to Graut needful Commissions as they shall think fit & requisite for the Ordering, Managing and Dispatching of the affairs of the said Governour, and Company, and their Successors. AND from time to time to Make, Ordain, Constitute or Repeal such Laws, Statutes, Orders and Ordinances, Forms and Ceremonies of Government and Magistracy, as to them shall seem meet for the Good and Welfare of the said Company; and for the Government and Ordering of the Lands and Hereditaments therein after mentioned to be Granted, and of the People that Do, or at any time Hereafter shall Inhabit; or be within the same; So as such Laws, Ordinances and Constitutions so made be not contrary and Repugnant unto, But as near as may, agreeable to the Laws of this Our Realm of England, considering the Nature and Constitution of the Place and People there. AND ALSO to Appoint, Order and Direct, Erect and settle such Places and Courts of Jurisdiction, for the Hearing and Determining of all Actions, Cases, Matters and Things happening within the said Colony and Plantation, and which shall be in dispute & depending there as they shall think fit. AND ALSO, to Distinguish and set forth the several Names and Titles, Duties, Powers, and Limits of each Court, Office, and Officer, Superiour and Inferiour. AND ALSO, to Contrive and appoint such forms of Oaths and Attestations, not Repugnant, but as near as may be agreeable as aforesaid, to the Laws and Statutes of this Our Realm, as are convenient and requisite; with Respect of the Due Administration of Justice, and Due Execution and Discharge of all Offices & places of Trust, by the Persons that shall be therein concerned. AND ALSO, to Regulate and order the way and manner of Elections to Offices and Places of Trust, and to

*Names of the  
first Magi-  
strates.*

*Assemblies.*

*Number  
Persons re-  
quisite to be at  
an Assembly,  
and their  
Power.*

*Laws how  
near the Laws  
of England.*



Power of the  
Assemblies to  
Order Electi-  
ons.

Power of the  
Assembly to  
Pardon and  
Remit.

Laws to be  
Published un-  
der the Colony  
Seal.

Provision in  
case the Go-  
vernour Die,  
or be Remo-  
ved.

Precrbe Limits, and Distinguish the Numbers, and Bounds of all Places, Towns, or Cities within the Limits and Bounds herein after mentioned and not herein particularly Named; Who have or shall have the Power of Electing and Sending of Free-men to the said General Assembly. AND ALSO to Order, Direct and Authorize the Imposing of Lawful and Reasonable Fines, Mulcts, Imprisonments, and Executing other Punishments Pecunary and Corporal upon Offenders and Delinquents, according to the course of other Corporations within this Our Kingdom of England. AND AGAIN to Alter, Revoke, Annull or Pardon, Under their Common Seal, or otherwise, such Fines, Mulcts, Imprisonments, Sentences, Judgements and Condemnations as shall be thought fit; and to Direct, Rule, Order and Dispose of as all other Matters and Things, and particularly that which Relates to the making Purchases of the Native Indians, as to them shall seem meet. WHEREBY our said People and Inhabitants in the said Plantations, may be so Religiously, Peaceably and Civilly Governed, as that by their good Lives and orderly Conversations, they may win and Invite the Native Indians of the Country, to the Knowledge and Obedience of the only true GOD, and Saviour of Man-Kind, WILLING, COMMANDING, AND REQUIRING, and by these Presents, for Us, Our Heirs and Successors, Ordaining and Appointing, that all such Laws, Statutes, Orders and Ordinances, Instructions, Impositions and Directions, as shall be so made by the Governour, Deputy Governour, Assistants and Freemen; or such Number of them as aforesaid and published in Writing, under their common Seal; Shall be Carefully and Duly Observed, Kept, Performed and put in Execution, according to the true Intent and Meaning of the same: And these Our Letters Patents, or the Duplicate or Exemplification thereof, Shall be to all and every such Officer, Superiour or Inferiour, from time to time, for the putting of the same Orders, Laws, Statutes, Ordinances, Instructions and Directions, in Due Execution against Us, Our Heirs and Successors, a Sufficient Warrant and Discharge. AND FURTHER, our Will and Pleasure is, and We do hereby for Us, Our Heirs and Successors, Establish and Ordain, that Yearly once in the Year for Ever hereafter; Namely the aforesaid *Wednesday in May*, and at the Town of *Newport*; or else-where, if urgent occasion do Require the Governour, Deputy Governour, and Assistants of the said Company, and other Officers of the said Company; or such of them, as the General Assembly shall think fit, shall be in the said General Court or Assembly, to be held from that Day or time, Newly Chosen for the Year Ensuing, by such Greater part of the said Company for the time being, as shall be then and there present: And if it shall happen, that the present Governour, Deputy Governour, and Assistants by these presents appointed, or any such as shall hereafter be Newly Chosen into their Rooms, or any of them, or any other of the Officers of the said Company, shall Die or be Removed from his or their several Offices or Places before the said General Day of Election, whom We do hereby Declare for any Misdemeanour or Fault, to be Removeable, by the Governour, Assistants and Company, or such greater part of them in any of the said publick Courts to be Assembled as aforesaid: THAT THEN and in every such Case, it shall and may be Lawful, to and for the said Governour, Deputy Governour, Assistants and Company as aforesaid, or such greater part of them so to be Assembled, as is aforesaid in any of their Assemblies, to proceed to a New Election of one or more of their Company, in the Rooms or Places of such Officer, or Officers so Dying, or Removed, according to their Discretions. AND IMMEDIATELY Upon, and after such Election or Elections made of such Governour, Deputy Governour, Assistant or Assistants, or any other Officer of the said Company in Manner and Form aforesaid THE AUTHORITY, Office and Powers before Given to the former Governour, Deputy Governour, and other Officer and Officers so Removed, in whose Stead and Place New shall be Chosen, shall as to him and them, and every of them Respectively Cease and Determine. PROVIDED ALWAYS, and our Will and Pleasure is, that as well such as are by these Presents Appointed to be the present Governour, Deputy Governour, and Assistants, of the said Company, or those that shall Succeed them, and all other Officers to be appointed and Chosen as aforesaid, shall before the undertaking the Execution of the said Offices and Places Respectively give their Solemn ENGAGEMENTS by Oath, or otherwise, for the due and faithful Performance of their Duties in their several Offices & Places, before such Person or Persons as are by these hereafter appointed to take and receive the same (that is to say) the said *Benadict Arnold*, who is herein before



before Nominated and appointed, the Present Governour of the said Company, shall give the aforesaid Engagement before *William Brenton*, or any two of the said Assistants of the said Company, unto whom We do by these Presents Give full Power, and Authority, to Require and Receive the same: AND the said *William Brenton*, who is hereby before Nominated and Appointed the Present Deputy Governour of the said Company; shall give the aforesaid Engagement before the said *Benadict Arnold*, or any two of the Assistants of the said Company, unto whom We do by these Presents, give full Power and Authority to Require and Receive the same; AND the said *William Bolton*, *John Porter*, *Roger Williams*, *Thomas Olney*, *John Smith*, *John Green*, *John Coggeshall*, *James Barker*, *William Field*, and *Joseph Clark*, who are herein before Nominated and Appointed the Present Assistants of the said Company; shall give the said Engagement to their Offices, and Places Respectively belonging, before the said *Benadict Arnold*, and *William Brenton*; or one of them: to whom Respectively We do hereby give full Power and Authority to Require and Administer or Receive the same: AND FURTHER, Our Will and Pleasure is, That all & every other future Governour, or Deputy Governour to be Elected & Chosen by virtue of these Presents, shall give the said Engagement before two or more of the said Assistants of the said Company for the time being, unto whom We do by these Presents, give full Power and Authority to Require, Administer or Receive the same: AND the said Assistants, and every of them, and every other Officer or Officers to be hereafter Elected and Chosen by virtue of these Presents, from time to time, shall give the Like Engagement to their Offices and Places Respectively Belonging, before the Governour, or Deputy Governour for the time being; unto which said Governour, or Deputy Governour, We do by these Presents give full Power and Authority to Require, Administer or Receive the same accordingly: AND WE do Likewise for Us, Our Heirs and Successors, give and Grant unto the said Governour and Company, and their Successors by these Presents, that for the more peaceable and orderly Government of the said Plantations, it shall and may be Lawful for the Governour, Deputy Governour, Assistants, and all other Officers and Ministers of the said Company, in the Administration of Justice, and Exercise of Government in the said Plantations, to Use Exercise and Put in Execution such Methods, Rules Orders and Directions, not being Contrary or Repugnant to the Laws and Statutes of this our Realm, as have been heretofore Given, Used and Accustomed in such Cases respecttively, to be put in Practice, until at the next or some other General Assembly, special provision shall be made, and ordained in the case aforesaid: AND WE do further, for Us Our Heirs and Successors, Give and Grant unto the said Governour and Company, & their Successors by these Presents: THAT IT it shall and may be Lawful to and for the said Governour, or in his Absence, the Deputy Governour, and Major part of the said Assistants, for the time being, at any time when the said General Assembly is not Sitting to Nominate, Appoint & Constitute such and so many Commanders, Governours, and Military Officers as to them shall seem Requisite for the Leading, Conducting and Training up the Inhabitants of said Plantations in Martial Affairs; & for the Defence and Safeguard of the said Plantations: AND that it shall and may be Lawful, to and for all and every such Commander, Governour and Military Officers that shall be So as aforesaid, or by the Governour, or in his Absence the Deputy Governour, and Six of the said Assistants, and Major part of the Freemen of the said Company present at any General Assembly; Nominated, and Appointed and Constituted according to the Tenor of his and their Respective Commissions, and Directions; To Assemble, Exercise in Arms, Martial Array, and put in Warlike Posture the Inhabitants of said Colony for their Special Defence and Safety; AND to Lead and Conduct the said Inhabitants, and to Encounter, Expulse, Expel and Resist by force of Arms, as well by Sea as by Land; and also to Kill, Slay and Destroy by all fitting ways, Enterprizes and means whatsoever, all and Every such Person and Persons, as shall at any time hereafter Attempt or Enterprize the Destruction, Invasion, Detriment or Annoyance of the said Inhabitants or Plantations; AND to Use and Exercise the Law Martial in such Cases only as Occasion shall Necessarily Require: AND to take or Surprize by all ways and means whatsoever, all and every such Person or Persons, with their Ship or Ships, Armour, Ammunition or other Goods of such Persons as shall in Hostile manner Invade or Attempt the Defeating of the said Plantations, or the Hurt of said Company and Inhabitants; AND upon Just Causes to Invade and Destroy the Native Indians, or other Enemies of said Colony.

*Who shall give  
and take the  
Engagement.*

*Power of the  
Governour and  
Council to ap-  
point Com-  
mission Officers  
for the Mi-  
litia.*

*Power as to  
making Wars*

*Liberty to de-  
stroy the In-  
dians.*



NEVERTHELESS Our Will and Pleasure is, and We do hereby Declare to the Rest of our Colonies in *New-England*, that it shall not be Lawful for this our said Colony of *Rhode-Island* and *Providence-Plantations* in *America* in *New-England*, to Invade the Natives Inhabiting within the Bounds and Limits of their said Colonies, without the Knowledge and Consent of the said other Colonies. AND IT IS HEREBY DECLARED, that it shall not be Lawful to or for the rest of the Colonies, to Invade or Molest the Native Indians, or any other Inhabitant, Inhabiting within the Bounds and Limits hereafter mentioned; they having Subjected themselves unto Us, and being by Us Taken into Our Special Protection, without the Knowledge and Consent of the Governour, and Company of Our Colony of *Rhode-Island* and *Providence-Plantations*. ALSO OUR WILL and Pleasure is, and We do hereby Declare unto all Christian Kings, Princes, and States, that if any person which shall hereafter be of the said Company or Plantations, or any other by Appointment of the said Governour and Company for the time being, shall at any time, or times hereafter Rob or Spoil by Sea or Land, or Do any Hurt or Unlawful Hostility to any of the Subjects of Us Our Heirs or Successors; or any of the Subjects of any Prince or State being then in League with Us, Our Heirs or Successors; upon Complaint of such Injury done to any such Prince or State, or their Subjects: We, Our Heirs or Successors will make open Proclamation within any part of our Realm of *England*, fit for that purpose, the Person or Persons committing any such Robbery or Spoil, shall within the time Limited by such Proclamation, make full Restitution or Satisfaction of all such Injuries done or Committed, so as the said Prince or others so Complaining, may be fully Satisfyed and Contented; AND if the said person or persons who shall Commit any such Robbery or Spoil, shall not make Satisfaction accordingly, within such time so to be Limited, that then We our Heirs and Successors, will put such person or persons out of our Allegiance and Protection; and that then it shall and may be lawful and free for all Princes or others, to Prosecute with Hostility such offenders; and every of them, their and every of their Procurers, Aiders, Abettors and Counsellors in that behalf. PROVIDED ALSO, and our Express Will and Pleasure is, and We do by these Presents for Us Our Heirs and Successors, Ordain and Appoint, that these Presents shall not in any manner, hinder any of our Loving Subjects whatsoever from Using and Exercising the Trade of Fishing upon the Coast of *New-England* in *America*; But that they, and every, or any of them shall have full and free power and liberty to Continue and Use the Trade of Fishing upon the said Coasts in any of the Seas thereunto Adjoining, or any Armes of the Seas, or Salt Water, Rivers and Creeks where they have been accustomed to Fish; and to Build and Set upon the Wast-Land belonging to the said Colony & Plantations, such Wharfs Stages and Work-Houses as shall be necessary for the Salting, Drying and Keeping of their Fish to be taken or gotten upon that Coast: AND FURTHER, for the Encouragement of the Inhabitants of our said Colony of *Providence-Plantations* to Sett upon the Business of takeing Whales; it shall be Lawful for them, or any of them, having Struck a Whale, Dubertus, or other great Fish, it or them to Pursue unto any part of that Coast, or into any Bay upon the said Coast, or in the said Bay, River, Cove, Creek or Shoar belonging thereunto, and it or them to Kill and order for the best Advantage, without Molestation, they making no wilful waste or spoil of any thing in these presents contained, or any other matter or thing to the contrary notwithstanding; AND FURTHER ALSO We are graciously pleased, and Do Hereby declare, that if any of the Inhabitants of our said Colony, do sett upon the Planting of Vineyards, the Soil and Climate both seeming Naturally to concur to the Production of Wines, or be industrious in the Discovery of Fishing Banks in or about the said Colony, We will from time to time give and allow all due and fittng Encouragement therein, as to others in cases of like Nature. AND FURTHER, OF OUR MORE AMPLE GRACE, Certain Knowledge and meer Motion, We have Given and Granted, and by these Presents, for Us Our Heirs and Successors, do Give and Grant unto the said Governour and Company of the *English* Colony of *Rhode-Island* and *Providence-Plantations* in the *Narraganset-Bay* in *New-England* in *America*; and to every Inhabitant there, and to every Person and Persons Trading thither, and to every such Person or Persons as are, or shall be free of the said Colony, full Power and Authority from time to time, and at all times hereafter to take Ship, Transport and carry away

Not to Invade  
the Indians  
of another  
Colony, nor  
another Colo-  
nies to Invade  
the Indians of  
this Colony.

Liberty of  
Fishing.

Liberty as to  
Wines.

Liberty to  
Transport  
Persons.



away out of any of Our Realms and Dominions, for and towards the Plantation and Defence of the said Colony, such and so many of our Loving Subjects, and Strangers; as shall and will willingly accompany them in, and to their said Colony and Plantation; except such Person or Persons, as are, or shall be therein Restrained by Us, Our Heirs and Successors, or any Law or Statute of this Realm. AND ALSO to Ship and Transport all, and all manner of Goods, Chattels, Merchandizes, and other things whatsoever, that are, or shall be useful or necessary for the said Plantations, and Defence thereof, and usually Transported, and not Prohibited by any Law or Statute of this our Realm; yielding and paying unto Us, Our Heirs and Successors, such the Duties, Customs and Subsidies, as are, and ought to be paid, or payable for the same. AND FURTHER, OUR WILL AND PLEASURE IS, and We do for Us, our Heirs and Successors, Ordain, Declare and Grant unto the said Governour and Company, and their Successors, that all and every the Subjects of our Heirs and Successors, which are already Planted and Settled within our said Colony of *Providence-Plantations*; or which shall hereafter go to Inhabit within the said Colony, and all (and every of their Children which have been Born there, or which happen hereafter to be Born there, or on the Sea going thither, or returning from thence, shall have and enjoy all Liberties and Immunities of free and natural Subjects, within any the Dominions of Us, our Heirs or Successors, to all Intents, Constructions and Purposes whatsoever, as if they, and every of them were Born within the Realm of *England*. AND FURTHER KNOW YE, that We of our more abundant Grace, certain Knowledge, and meer Motion, have given, granted, and confirmed; and by these Presents, for us, our Heirs and Successors, do give, grant and confirm unto the said Governour and Company, and their Successors, ALL THAT PART OF OUR DOMINIONS in *New-England*, in *America*; containing the *Albany* and *Nauhygausett*, alias, *Narraganset-Bay*, and Countries and Ports adjacent; Bounded on the West, or Westerly to the middle or Channel of a River, there commonly called, and known by the name of *Pacatauck*, alias, *Pamunuck* River, and so along the said River, as the greater or middle Stream thereof reacheth, or lies up into the *North* Country, Northward unto the head thereof, and from thence by a Strait Line, drawn due North, until it meet with the South Line of the *Massachusetts-Colony*: AND on the North or Northerly, by the aforesaid South or Southerly Line of the *Massachusetts-Colony*, or Plantation, and Extending toward the East, or Easterly, three *English* Miles to the East North-East, of the most Eastern and Northern parts of the aforesaid *Narraganset Bay*, as the said Bay lieth or extendeth it self from the Ocean, on the South or Southerly, unto the mouth of the River which runneth towards the Town of *Providence*, and from thence along the Easterly side or Bank of the said River higher, called by the name of *Seconk* River, up to the Falls, called *Pamunuck* Falls, being the most Westerly Line of *Plimouth* Colony, and so from the said Falls in a straight Line due North, until it meet with the aforesaid Line of the *Massachusetts-Colony*; and bounded on the South by the Ocean, and in particular the Lands belonging to the Towns of *Providence*, *Pamunuck*, *Warwick*, *Misquomicuck*, alias, *Pamunuck*, and the rest upon the Mainland, in the Tract aforesaid; together with *Knock-Island*, *Block-Island*, and all the rest of the Islands and Banks in the *Narraganset-Bay*, and bordering upon the Coast of the Tract aforesaid; (*Fishers-Island* only excepted) Together with all firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines Royal, and all other Mines, Minerals, Precious Stones, Quarries, Woods, Wood Grounds, Rocks, Slates, and all and singular other Commodities, Jurisdictions, Royalties, Privileges, Erenchises, Preheminencies, and Hereditaments whatsoever, within the said Tract, Bounds, Lands and Islands aforesaid; or to them, or any of them belonging, or in any wise appertaining: To have and to hold the same unto the said Governour and Company, and their Successors, for ever upon trust, for the use and benefit of themselves, and their Associates, Freemen of the said Colony, and their Heirs and Assigns: To be holden of us, our Heirs and Successors, as of the manner of *East Greenwich* in our County of *Kent*, in free and common Socage, and not in Capite, nor by Knights Service, yielding and paying therefore unto us, our Heirs and Successors, only the fifth part of all the Ore of Gold and Silver, which from time to time, and at all times hereafter shall be there gotten, had or obtained, in lieu and satisfaction of all Services, Duties, Fines, Forfeitures,

Liberty to  
Transport  
Goods,

Clause of In-  
denization.

Bounds of the  
Colony.

Western  
Bounds.

Northern  
Bounds.

General  
Grant of all  
Commodities,  
and Mines,  
rals, &c.

In have and  
to hold.



The Narraganset River stated.

Power of Appeals.

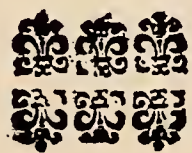
Free Trade with other Colonies.

Forfeitures made, or to be made, Claims, Demands whatsoever, to be to us, our Heirs or Successors; therefore or there out rendered, made or paid: ANY GRANT or Clause in a late Grant to the Governour, and Company of *Connecticut Colony in America*, to the contrary thereof, in any wise notwithstanding: The aforesaid *Pawcatuck River* having been yielded after much debate, for the fixed and certain Bounds between these our said Colonies, by the Agenes thereof; who have also agreed, that the said *Pawcatuck River* shall be also called *alias Narraganset River*; and to prevent future Disputes that otherwise might arise for ever hereafter, shall be Construed, Deemed and Taken, to be the *Narraganset River*, in our late Grant to *Connecticut Colony* mentioned as the Easterly bounds of that Colony. AND FURTHER, Our Will and Pleasure is, that in all Matters of Publick Controversie which may fall out between our Colony of *Providence Plantations*, and the rest of our Colonies in *New-England*; It shall and may be lawful, to and for the Governour and Company of the said Colony of *Providence-Plantations*, to make their Appeals therein, to us, our Heirs and Successors, for Redress in such Cases, within this our Realm of *England*. AND that it shall be lawful, to and for the Inhabitants of the said Colony of *Providence-Plantations*, without Lett or Molestation, to Pass and Repass with freedom into and through the rest of the *English Colonies*, upon their lawful and civil Occasions; and to Converse and hold Commerce and Trade with such of the Inhabitants of our other *English Colonies*, as shall be willing to admit them thereunto; they behaving themselves peaceably among them: Any Act, Clause or Sentence in any of the said Colonies provided, or that shall be provided to the contrary in any wise notwithstanding. AND Lastly, We do, for Us, Our Heirs and Successors, Ordain and Grant unto the said Governour and Company, and their Successors by these Presents, That these our Letters, Patents, shall be firm, good, effectual, and available in all things in the Law, to all Intents, Constructions and Purposes whatsoever, according to our true intent and meaning herein before Declared; And shall be construed, reputed and adjudged in all cases most favourable on the behalf, and for the best benefit and behoof of the said Governour and Company, and their Successors; although express mention of the true yearly Value, or certainty of the Premises, or of any of them, or of any other Gifts or Grants by us, or by any of our Progenitors or Predecessors heretofore made to the said Governour and Company of the *English Colony of Rhode-Island and Providence-Plantations in the Narragansett-Bay in New-England, in America*, in these Presents is not made, or any Statute, Act, Ordinance, Proclamation or Restriction heretofore Had, Made, Enacted, Ordained or Provided, or any other Matter, Clause or Thing whatsoever to the contrary thereof in any wise notwithstanding. In Witness whereof, we have caused these our Letters to be made Patents. WITNESS Our Self at *Westminster*, the Eighth Day of July, in the Fifteenth Year of Our Reign.

By the King,

*Howard.*

ACTS  
AND  
LAWS,  
Of His Majesties  
COLONY  
OF  
Rhode-Island,  
AND  
Providence-Plantations  
IN  
AMERICA.



---

BOSTON, in NEW ENGLAND:  
Printed by John Allen, for Nicholas Boone, at the Sign of the  
BIBLE in Cornhill. 1179.

---





# L A W S

Made and Past by the General Assembly of His Majesties Colony of Rhode-Island and Providence-Plantations in New-England. Begun and Held at Newport, the first day of March 1662.

## AN ACT Regulating the Election of General Officers.

**B**E IT ENACTED, by the General Assembly of this Colony, and by the Authority of the same; and it is hereby Enacted, That all persons whatsoever, that are Inhabitants within this Colony, and Admitted Free-men of the same, shall and may have liberty to Vote for the Electing of all the General Officers in this Colony, either in Person, or by Proxy, upon the first Wednesday of May Annually, as is Express'd in our Charter. Who shall Vote at General Elections. The time when Elected.

AND, Be it further Enacted by the Authority aforesaid, That on the first Wednesday of May Annually, there shall be Chosen and Elected, one General Recorder, who shall be Secretary of the Colony, one Sheriff, who shall have the Care and Custody of His Majesties Goal in Newport, one General Attorney, and one General Treasurer; for the better regulating and managing the Affairs of the Government, and shall be Chosen in manner as aforesaid. General Recorder, Sheriff, Attorney-General, & General Treasurer appointed.

AND that each and every Person that shall vote by Proxy, shall on the Town-Meeting Day next preceeding the General Election, openly in said Meeting, deliver in his Votes to the Town Clerk of the Town wherein he dwells, with his name written at length on the backside or the bottom thereof; which Votes so taken shall be immediately sealed up by the Town Clerk, and by him delivered either to an Assistant, Justice, Warden or Deputy of said Town, as shall be by the said Town Meeting appointed for the same; by him to be delivered to the Governour, or Deputy Governour in Open Court, before the Election proceed. Proxy Votes how taken. And returned to the Assembly.

AND, Be it further Enacted by the Authority aforesaid, That all General Officers shall take the following Engagement, before they shall Act in their respective Offices. General Officers to be Engaged.

**Y**OU A. B. are by the free Vote of the Free-men of this Colony of Rhode-Island, and Providence-Plantations, Elected unto the Place of The Form of the Engagement. in this said Colony, AND Do solemnly Engage true Allegiance unto His Majesty, His Heirs and Successors to bear, and in your said Office, Equal Justice to do, unto all Persons, Poor and Rich within this Jurisdiction, to the utmost of your Skill and Ability; without Partiality, according to the Laws Established; or that shall be Established according to our Charter, as well in Matters Military as Civil. And this Engagement You make and give upon the Peril of the Penalty of Perjury.

## The Reciprocal Engagement.

**I** Do in the Name and behalf of this Colony, Reingage to stand by YOU and to support you by all due assistance and Encouragement in your Performance and Execution of your aforesaid Office, according to your Engagement.

AND be it further Enacted by the Authority aforesaid, That no Person shall be  
D Elected



None but  
Free-men and  
Free-holders  
to be Deputies.

What time  
the Deputy  
shall be Elect-  
ed.

And how re-  
turned to the  
Assembly.

On Urgent Oc-  
casion the Go-  
vernour, or  
Deputy-Gov-  
ernour to Call  
the Assembly.

Deputies paid  
Three Shillings  
per Diem.

Deputies fined  
for neglect of  
Attending the  
Assembly, Six  
Shillings per  
Diem.

How recovered  
and disposed  
of.

Form of De-  
puties Engage-  
ment.

Elected to the Place of a Deputy to sit in the General Assembly of this Colony, but those that are Free-holders therein, and Free-men of the same; And that each respective Town in this Colony, shall Chuse and Elect their Number of Deputies as Stated in the Charter, at their respective Town Meetings next preceeding such Court of Assembly, for the which they shall be Elected. And that the Town Clerk of each respective Town shall grant forth his Warrant to the Town Sergeant or Constable of said Town, to warn such Deputies as shall from time to time be Chosen in each respective Town, to attend the Assemblies for which they are Chosen; and also the Town Clerk shall make return of such Deputy Chosen as aforesaid, to the General Recorder for the time being, on the first opening of the Assembly; who is hereby appointed Clerk of the same.

And be it Enacted by the Authority aforesaid, That when and so often as any Emergent occasions shall require an Assembly to be called at any other times then is Expressly mentioned in the Charter, that then and in such Cases, the Governour, and in his absence the Deputy Governour, shall, and they are hereby fully Authorized and Impowered, to Grant forth a Warrant to the Sheriff, to warn and require the Free-men of each respective Town in the Colony, to Chuse and Elect their Respective Number of Deputies as aforesaid, to such Court as by the Governour, or Deputy Governours Warrant shall be Directed; their Notification and Return to be in manner as aforesaid.

And be it Enacted by the Authority aforesaid, That Each respective Town shall Pay unto their Deputies, three Shillings per Diem each, during their attendauce on the Court of Assembly.

And be it Enacted by the Authority aforesaid, That whosoever shall be Chosen a Deputy for any Town, to serve in the General Assembly, and being Legally warn'd to attend the same; shall neglect or refuse to give his attendance during the Session thereof, shall pay as a Fine, Six Shillings per Diem for each and every Days neglect, into the Town Treasury of such Town, to and for the Use of said Town. And if the Person so Offending, shall neglect or refuse to pay the same as aforesaid: Then any one of the Assistants, Justices of the Peace, or Wardens of such Town shall Grant forth a Warrant to a Constable of said Town, to distrain so much of the Personal Estate of such Offender, as will pay the aforesaid Fine, and all reasonable Charges accruing thereon; and the Fine so taken, to be disposed of as aforesaid, and the Clerk of the Assembly shall return to each respective Town a List of all such as shall be Delinquent as aforesaid.

And be it further Enacted by the Authority aforesaid, That every Person, that shall be Elected to the place of a Deputy shall take the following Engagement before he shall act therein.

**Y**OU A. B. Being Chosen to the place of Deputy, to sit in the General Assembly, ~~[Do as in the Presence]~~ of GOD solemnly Engage true Allegiance to His Majesty, His Heirs and Successors to bear, as also Fidelity to this His Majesties Colony of Rhode-Island, and Providence-Plantations, and the Authority therein Established according to our Charter; AND YOU do further Engage Equal Right and Justice to do to all Persons as shall Appeal unto YOU for your Judgement in their respective Cases. And this Engagement YOU make and Give upon the Peril of the Penalty of Perjury.

AN



An Act for Declaring the Rights and Priviledges of His Majesties  
Subjects within this Colony.

**B**E IT ENACTED By the General Assembly of this Colony, And by the Authority of the same it is hereby Enacted, That no Free-man shall be Taken or Imprisoned, or be deprived of his Free-hold, or Liberty, or Free Customs, or Out-Lawed, or Exiled or otherways Destroyed, nor shall be passed upon, Judged or Condemned, but by the Lawful Judgement of his Peers, or by the Law of this Colony; And that no Aid, Tax, Tailage, or Custom, Loan, Benevolence, Gift, Excise, Duty or Imposition whatsoever, shall be Laid, Assessed, Imposed, Levied or Required of or on any of His Majesties Subjects within this Colony, or upon their Estates, upon any manner of Pretence or Colour whatsoever, but by the Act and Assent of the General Assembly of this Colony.

*No Free-men to be Imprisoned, or deprived of his Liberty, &c. But by his Peers, &c. No Tax or Duty to be raised, but by the General Assembly.*

AND that no Man, of what Estate and Condition soever, shall be put out of his Lands and Tenements, nor Taken, nor Imprisoned, nor Disinheretd, nor Banished, nor any ways Destroyed, nor Molested, without being for it brought to Answer by due course of Law; And that all Rights and Priviledges Granted to this Colony by His Majesties Charter, be entirely kept and preserved to all His Majesties Subjects residing, in or belonging to the same; And that all Men Professing Christianity, and of Competent Estates, and of Civil Conversation, who acknowledge, and are Obedient to the Civil Magistrate, though of different Judgmnts in Religious Affairs (Roman Catholicks only excepted) shall be admitted Free-men, And shall have Liberty to Chuse and be Chosen Officers in the Colony both Millitary and Civil.

*No Person to be Deceased of his Lands, or otherwise molested, but by due Course of Law. All Persons of Estates, and Obedient to the Magistrate, to have liberty to Elect, and be Elected to Offices.*

An Act for the Preventing of Illegal and Clandestine Purchases  
of the Native Indians in this Colony.

**F**ORASMUCH as divers Persons have made Purchases of Lands in this Colony of the Indians, without the consent or approbation of the General Assembly, which manifestly tends to the Defrauding and Manifest Injury of such Native Indians, as well as defeating the Just Rights of this Colony.

**B**E it therefore Enacted by the General Assembly, and the Authority of the same, That no Person, or Persons for the future, shall Purchase any Lands or Islands within this Colony, of or from the Native Indians within the same, but such only as are so allowed to do by the General Assembly, upon Penalty of forfeiting all such Lands or Islands so purchased, to this Colony; And to Pay for every such Purchase by them so made, the Sum of Twenty Pounds as a Fine, to and for the Use of the Colony; And all such Purchases shall be Esteemed and Adjudged Null, Void, and of none Effect.

*All Purchases of the Native Indians without the consent of the Assembly, to be void.*

*And the Person purchasing to be fined.*



## An Act for Punishing Criminal Offences.

*Whoſoever ſhall take upon him any Place in Authority, ſhall be fined Ten Pounds.*

**B**E it Enacted by the General Aſſembly, and by the Authority of the ſame, That no Perſon ſhall preſume to take upon him, or to Exerciſe ( or Officiate in ) any Office or place of Authority : And in caſe any Perſon ſhall preſume ſo to do, and be thereof lawfully convicted in any Court of Record in this Colony, That then ſuch Offender ſhall be Amerced according to the Diſcretion of ſuch Court, not exceeding the Sum of Ten Pounds ; And on default of Payment of the ſame, to be Corporally Punished, at the Diſcretion of the ſaid Court.

*AND for that Reſpect and Obedience that is due from Inferiours to their Superiours.*

*Whoſoever ſhall ſtrike, abuſe, or reſuſe to obey an Officer, to be fined, or puniſhed Corporally.*

Be it further Enacted by the Authority of the ſame, That if any Perſon ſhall Threaten, Affault, Strike, Abufe or reſuſe to Obeſ any General Officer, Juſtice of the Peace, or Warden, or any other Officer in this Colony, in the Execution of his Office, ſuch Offender or Offenders being duly convicted thereof before any Judge, or Court of Record within this Colony, ſhall be Amerced as ſuch Judge or Court of Record ſhall think fit, or ſhall be Corporally Punished at their Diſcretion, according to the Nature of the Offence.

*Diſobedient Children and Servants to be ſent to the Houſe of Correction.*

*And thoſe that ſtrike their Parents, &c. to be whipp'd.*

**AND** be it further Enacted by the Authority aforeſaid, That if any Child or Servant, ſhall contrary to their Obedience due to their Parents, or Maſters, Reſiſt, or reſuſe to Obeſ their lawful commands, they ſhall be ſent to the Houſe of Correction, and there to remain, until they have Humbled Themſelves to their Parents or Maſters Satisfaction ; **AND** if any Children or Servants, ſhall preſume to Affault, or Strike their Parents, or Maſters ; upon Complaint of any ſuch Parent or Maſter to any Aſſiſtant, Juſtice of the Peace, or Warden of ſuch Town : Such Child or Servant ſo Offending, ſhall be Whipped, at the Diſcretion of ſuch Aſſiſtant, Juſtice or Warden, not Exceeding Ten Laſhes.

*High Treason, Petit Treason, Murder, and Man-ſlaughter how puniſhed.*

**AND** be it further Enacted by the Authority aforeſaid ; and it is hereby Enacted, That whoſoever ſhall be Convicted of High Treason, Petit Treason, Wilful Murder, or Man-ſlaughter ; ſhall be Punished for ſuch Offence, according to the Statute Laws of the Realm of England, with Death ; the Benefit of the Clergy reſerved where allowable : And ſhall Forfeit his Lands, Goods, and Chattels, to the Colony, according to His Majeſties Charter ; to be diſpoſed of by the Aſſembly, as they ſhall think fit ; All neceſſary Charges of Proſecution, Condemnation, and Execution being firſt duly deducted.

*Chance. Med. ley & Miſadventure, how puniſhed.*

**And** be it Enacted by the Authority aforeſaid, That whoſoever ſhall be Lawfully convicted, of Killing any Perſon by Chance Medly or Miſadventure, ſhall Forfeit his Goods and Chattels, to and for the Uſe of the Colony ; And that the Governour as Chief Judge, ſhall Release to ſuch Perſon his Goods and Chattels, the Charges, Proſecution, &c. being duly paid.

And



AND Be it further Enacted by the Authority aforesaid, That if any Person Fortune to be Killed by a Carts going over him, or by a Horse's Kicking of him, or by any sort of Neat Cattle's Goring him or Kicking of him, or by other such like Accident, that, then the Coroner of such Town where such casual Death shall happen to be, shall with an Inquest of Twelve Lawful Men, enquire into the Meanes of the Death of such Person; and on the Coroners Return, that such Person was Killed by any of the aforesaid Accidents, &c. Then the Coroner with his said Inquest upon Oath, shall Apprise the Value of such Cart, Horse or Neat Beast, &c. Which shall be Forfeited as a Deodand, and given to the Overseers of the Poor of such Town where such Casualty shall happen. <sup>What makes Deodand.</sup> <sup>A Deodand to go for the use of the Poor of the Town.</sup>

AND Be it further Enacted by the Authority aforesaid, That whosoever shall Wilfully and Maliciously cut out the Tongues, pull out the Eyes, or cut off the Ears, of any Person or Persons within this Colony, he shall be Proceeded against, Prosecuted and Punished; As by the Statute of the V. of Henry the IV. Chap 5th. is Ordained. <sup>Malicious Maiming of Persons, how punished.</sup>

AND be it further Enacted by the Authority aforesaid, That Witchcraft is and shall be Felony, And whosoever shall be Lawfully convicted thereof, shall suffer the Pains of Death. <sup>Witchcraft punishable with Death.</sup>

AND Be it further Enacted by the Authority aforesaid, That Burglary is and shall be Felony: And whosoever shall be Lawfully convicted thereof shall suffer the Pains of Death. <sup>Burglary punished with Death.</sup>

AND Be it further Enacted by the Authority aforesaid, That Robbery is and shall be Felony, and whosoever shall lawfully be convicted thereof, shall suffer the Pains of Death. And upon Complaint made to any Assistant, Justice of the Peace, or Warden of any Town within the Colony, of a Robbery committed therein, shall forthwith Grant forth a Warrant to a Constable of said Town, to make Hue and Cry after such Robber or Robbers, for the Apprehending and Taking of them: And such Proceedings so being made in such Town, wherein any Robbery shall be Committed, shall not be chargeable for the Monies, Goods and Chattles of the Person so Robbed. <sup>Robbery punished with Death.</sup> <sup>Warrants to be granted by way of Hue and Cry to apprehend Robbers.</sup>

AND Be it further Enacted by the Authority aforesaid, That in any Town of the Colony, where a Forceable Entry, or Detainer of Lands or Houses, shall happen to be committed or done by any Person or Persons whatsoever, upon Complaint or Information thereof given by the Party Agrived to any Two or more Assistants, Justices of the Peace, or Wardens of the Town where such House or Land lyes, The said Assistants, Justices, or Wardens shall Issue out their Warrant to the Sheriff of the Colony, or his Deputy, requiring him in the Kings Name to Impanel a Jury of Inquest, of Twenty Four good and lawful Men of the Neighbourhood to come before them, to make Enquiry upon Oath or Engagement concerning the same; And in Case the said Jury shall find the Bill or Complaint against such Person or Persons complained of, That then such Assistants, Justices or Wardens, shall cause such Force to be removed, restore to the Person or Persons complaining, peaceable possession of the same. <sup>Forceable Entry and Detainer.</sup> <sup>Warrant to be granted to the Sheriff or his Deputy, to Impanel a Jury.</sup>

Provided Always, That such Complaint or Information appears to be made within three years after such Forceable Entry and Detainer be Committed, and not after. <sup>Forceable Entry to be Com- plained of within three years.</sup> Provided also, That if upon the said Juries finding the



*A Traverse  
allowed to the  
Court of Try-  
als.*

Bill against such Person or Persons, That if such Person or Persons, shall Offer to Traverse the said Complaint or Infomantion, and desire to Remove the same to the next General Court of Tryals of this Colony, there to Try the same, and give good and sufficient security to the said Assistants, Justices, or Wardens, for Prosecuting the same, And to Pay all intervening Charges and Damages in case they shall be Condemned at such general Court of Tryals. That then such Assistants, Justices, or Wardens, shall forbear to deliver Possession to the Party and Parties complaining, until they shall receive the Order or Judgment of such General Court of Tryals for their so doing.

*Twenty Shil-  
lings Fine for  
every person  
that refuses  
to aid the As-  
sistants, Justi-  
ces, &c.*

*AND Be it Enacted by the Authority aforesaid.* That the Assistants, Justices of the Peace, and Wardens, in case of any Resistance made in the due performing their Duties by this Act required about Forceable Entries or Detainers, may Command the Assistance of any of His Majesties Subjects of this Colony, who are Required to Aid them therein, under the Penalty of *Twenty Shillings* to each Person that shall refuse so to do; To be recovered by Suit, Information, before any one Assistant, Justice of the Peace, or Warden of this Colony.

*AND* the said Fine of *Twenty Shillings* so Recovered, to be Paid into the Town Treasury, for the Use of the Town, where such Forceable Entry, and Detainer shall be committed.

*The Complai-  
nant to pay  
Costs if Cast.*

*AND Be it further Enacted by the Authority aforesaid,* That in case the Jury of Inquest on inquiry as aforesaid, shall not find the said Bill or Complaint against the Person or Persons Complained of as aforesaid, That then the Person or Persons Complaining, shall be Condemned by the said Assistants, Justices, or Wardens, To pay the Costs of Courts as is Usual in other Cases.

*Twenty Pound  
Fine to the  
Sheriff or his  
Deputy to dis-  
cuss the As-  
sistants War-  
rant.*

*AND be it further Enacted by the Authority aforesaid,* That if the Sheriff or his Deputy, to whom such Assistants, Justices, or Wardens Warrant is delivered, doth not duly Execute the same; That he shall Forfeit the Sum of *Twenty Pounds*, Lawful Money, to be Recovered by Bill, Information, Suit, or Complaint, in any Court of Record within this Colony.

*Rioters to suf-  
fer 12 months  
Imprisonment,  
or a Fine of  
Ten Pounds.*

*AND Be it further Enacted by the Authority aforesaid,* That all Persons that shall be Lawfully Convicted of a Riot, shall Suffer Twelve Monthes Imprisonment, or Pay a Fine of *Ten Pounds*, to the Use of the Colony.

*Fine for breach  
of Peace, not  
to exceed  
Twenty Shil-  
lings, or to be  
bound over to  
the Court of  
Tryals.*

*AND be it further Enacted by the Authority aforesaid,* That any Assistant, Justice of the Peace, or Warden, in this Colony; upon Convicting any Person or Persons before him for Breach of the Peace, by Striking, &c. Shall and may Fine such Offender or Offenders at Discretion, not Exceeding *Twenty Shillings*, or Bind them over to the General Court of Tryals, with two sufficient Sureties according as the Nature of the Offence may require.

*Affault and  
Battery to be  
Tried at Com-  
mon Law.*

*AND be it further Enacted by the Authority aforesaid,* That in all Cases of Assault or Battery, the Party Assaulted or Battered, shall have an Action of Trespass at the Common Law, against the Persons Committing such Assault, or Battery, shall Recover his Damage Received thereby.

*Sodomy, Bug-  
gery or Rape.  
punished with  
Death.*

*AND be it Enacted by the Authority aforesaid,* That whosoever shall Perpetrate and Commit the Detestable and Abominable Crimes of Sodomy, or Buggery, and be thereof Lawfully Convicted, shall suffer the Pains of Death; as in cases of Felony, with the benefit of Clergy. *And*



*AND Be it further Enacted by the Authority aforesaid, That whosoever shall Commit Fornication, and be thereof Lawfully Convicted before any two Assistants, Justices of the Peace, or Wardens of the Town where such Fact shall be Committed, (the Assistants, Justices, or Wardens, are hereby Impowered the Cognizance thereof, ) shall be publickly Whipped in said Town where such Fact shall be Committed with Ten Stripes and no. more, or pay a Fine of Forty Shillings into the Town Treasury, to and for the Use of the Poor of such Town.*

*Fornication how Tryed. The punishment thereof*

*AND Be it further Enacted by the Authority aforesaid, That whosoever shall Steal or Purloyn any Moneys, Goods, Wares, or Merchandize; And be thereof Lawfully Convicted, at the General Court of Tryals, ( who are hereby fully Impowered to have Cognizance of the same ) either by Confession, or by the Evidence of two persons upon Oath or Engagement, shall for the first Offence, Restore to the Owner of such Moneys, Wares, Goods, and Merchandizes, so stolen two fold; And shall be Whipp'd or Fined at the Discretion of the Judges of said Court; And upon a second Conviction of such Offence, to Restore two fold as aforesaid to the Owners of such Moneys, Wares, Goods, Merchandizes, so Stolen, and four fold to the Colony; And be Whipp'd, or Fined at Discretion, by the Judges of said Court.*

*Theft. For the first Offence, to restore twofold to the Owner; or be Whipp'd, or Fined at Discretion. For the second Offence, to restore twofold to the Owner; and fourfold to the Colony; to be Whipp'd, &c. as aforesaid.*

*AND Be it further Enacted by the Authority aforesaid, That if the person so Offending, and convicted thereof as aforesaid, shall not have Goods and Chattels sufficient to satisfy and Pay the Judgement of such Court as aforesaid, That then and in such Cases, the Offender shall be Sold by the Sheriff, by the Direction of the Judges of said Court, to satisfy such Judgement as shall be given as aforesaid.*

*If there be not sufficient Estate to satisfy as aforesaid, the Offender shall be Sold to satisfy the same.*

*AND be it further Enacted by the Authority aforesaid, That if any Officer within this Colony, shall Exact or Extort any more or Greater Fees than by Law is rated him, or that under pretence of Executing his Office, shall Levy any more or Greater Sums of Monies, &c. Than by any Judgement, Execution, Order or Decree, he is Ordered or allowed to do, and be thereof Lawfully convicted, he shall Forfeit to the party agrieved treble Damages, which shall be ( according to the Damage received ) Recovered by the party agrieved, before any Court, or Judge of Record, by Action of Trespass upon the Case.*

*No Officer to take more than his Fees. On the penalty of treble Damages.*

*AND be it further Enacted by the Authority aforesaid, That if any Person shall wrongfully and Maliciously, Spoil, Burn or Destroy any Frame prepared for Building of either House, Mill, or Barn, or spoil any Cart, or Wood heaped and prepared for Coals, or other Use; or cut out the Tongue of any Beast being alive; or shall barke Fruit Trees, or procure any of the said Offences to be done; The Person so Offending, shall pay the Owner thereof Treble Damages, with cost of Court, and pay a Fine to the Use of the Colony, according to the Direction of the Judges of the Court; where such Offender shall be convicted.*

*Wilful destroying of Houses, Cart or Wood for Coals, barcking of Fruit Trees, to pay treble Damages. And Fine to the Colony.*

*AND if any Person shall Wrongfully and Maliciously Cut or take away Corn growing, or Rob any Orchard or Garden, or break or cut any Hedge, Pale, Rail or Fence; or Digg up, Cut down, Spoil or carry away, any Fruit Trees, or shall Cut down or Destroy any other sort of Trees standing; or shall put any Beast into the Field of another, without the knowledge or consent of the*

*Trespasser. Owner*



*The Trespasser to pay treble Damages And Fine for the same. For want of Estate, to be sent to the House of Correction.* Owner of the Field ; And shall be duly convicted thereof, shall Pay to the Party Grieved treble Damages and cost of Court : And shall pay to the Use of the Colony such Fine, as by the Judges of the Court where such Offender or Offenders shall be Convict, shall be thought reasonable for the same. And in case such Offender or Offenders have not sufficient Estate to Pay such Fines as he or they shall be Amerced, then such Offender or Offenders, shall be sent to the House of Correction, there to remain until the same be satisfied and paid.

*Bargains above Ten Pounds to be void, if not in Writing.* *How proved if under Ten Pounds.* *Fraudulent Dealers to pay treble Damages to the person agrieved.* *Fraudulent Conveyances to deceive Creditors. To be void in the Law, and the Conveyancer to pay treble Costs.* *AND Be it further Enacted by the Authority aforesaid,* For the preventing of Fraudulent Dealings in Bargains and Contracts ; That no Bargains nor Contracts, for above the value of *Ten Pounds* shall be vailid and binding in Law, unless the same be reduced into Writing, and Signed by the parties contracting, in the Prefence of one or more credible Witness or Witnesses ; And that all Verbal Contracts, for any matter under the value of *Ten Pounds*, shall be well and sufficiently proved, by the Evidence of one or more credible Witness or Witnesses, otherwise to be Null and Void in the Law. And that if any Person shall Use any Fraud or Deceit in Bargains or Contracts with any Person : The Person Cheated or Deceived thereby, shall have his Action of Trespas against the Person Offending therein, and Recover Treble his Damages with cost of Suit.

*AND be it further Enacted by the Authority aforesaid,* That all Bonds, Bills, Deeds of Sale, Gifts, Grants, or other Conveyances, or Obligations whatsoever, that shall be made by any Person with intent to defraud or deceive others, or defeat such Person or Persons Creditors, of their Just Debts and Dues. That all such Bonds, Bills, Deeds of Sale, Gifts, Grants or other Conveyances or Obligations whatsoever, shall be Null Void and of none Effect ; And the Party injured or agrieved thereby, shall Recover his double Damages, together with cost of Suit.

*Conspirators & Champertors to be Imprison'd one year, and a Fine to the Colony.* *AND Be it further Enacted by the Authority aforesaid,* That in case any Person or Persons, shall be Lawfully convicted of Conspiracy, according to the Statute of the XXXIII. Edward the 1st. Entituled, a Definition of Conspirators, or shall be convicted of Champerty ; he or they that shall be so convicted, shall Suffer One Years Imprisonment, and make Fine to the Colony, as the Judges of the Court where such Person or Persons is Convicted shall award ; and the party agrieved, shall have his Remedy, and recover his Damages by an Action of Trespas on the Case,

PROVIDED always, That this Act shall not Extend, to any Person or Persons who Honestly and without any Unjust Design, shall assist with Monies or otherwise, such Person or Persons as are not of Estate or ability sufficient to carry on a suit in Law, for the Recovery of their Just Right and Estate.

*No Juror to take a Bribe. They that are guilty of either, to forfeit five times the value of such Reward.* *AND, Be it further Enacted by the Authority aforesaid,* That in case any person or persons being Impanelled and Sworn upon a Jury, shall take any Reward to bring in a Verdict, or in case any person shall Embrace a Juror so to do, the Parties both Giving and Receiving such Reward, being thereof duly Attaint, in any Court of Record, according to the Statute of the XXXVIII. of Edward the 3d. CHAP. 12th. shall pay Five times the Value of such Reward ; One half to the Use of the Colony, and the other half to such Informer, as shall Sue for the same ; And on default of payment, shall be Imprisoned One Year in the House of Correction.

*And*



AND be it further Enacted by the Authority aforesaid, That if any Person shall Forge, Raze, Embezel or take away any Record, Writt, Return or Proceſs belonging to ſuch Record, or any part of the ſame, By reaſon whereof Judgement ſhall be Reverſed ; Or ſhall Forge any Deed, Obligation, Acquittance or Record, or ſhall Wilfully and deſignedly make falſe Entry of Pleas, or alter Verdicts, or ſhall be Procuring, or Confederating or Abetting ſuch Doings, Such Perſon or Perſons being thereof duly Attainted, ſhall be Imprifoned, and Grievouſly Fined, according to the Diſcretion of the Judges of ſuch Court, where ſuch Perſon or Perſons ſhall be Attainted ; And ſuch Perſon or Perſons, as ſhall be Agrieved thereby, ſhall have Remedy by Action, to Recover his or their Damages.

### An Act for the Eſta bliſhing Weights and Measures throughout this Colony.

**B**E it Enacted by the General Aſſembly, And by the Authority of the ſame, That during the fitting of the General Aſſembly in May Annually, There ſhall be Annually Chole and Elected, by the General Aſſembly, One General Sealer, who ſhall provide and procure at the Colonies charge, a Standard of each and every of the Weights and Measures following ; viz. One half Buſhel, One Peck, One half Peck, One Ale Quart, One Wine Quart, One Wine Pint, and One Wine half Pint. One Yard, One half Hundred, One Quarter of a Hundred, One Fourteen Pound, One Four Pound, One Two Pound, One one Pound, and One half Pound Weight ; which ſhall be according to the Standard of His Majeſties Exchequer in the Kingdom of England.

AND That each reſpective Town ſhall provide one Standard, of all the above ſaid Weights and Measures, which ſhall be proved and Sealed, by the General Sealer of the Colony. AND that the Free-men of every Town, ſhall at the uſual time of Election of Town Officers, Annually Chole a Perſon, to prove and Seal all Weights and Measures throughout ſuch Town, with ſuch a Seal or Mark, as ſhall be by each Town appointed : who ſhall be Engaged faithfully and duly to Exerciſe ſaid Office. AND if any Perſon ſhall be found, to Sell or Buy by falſe Weights or Measures, ſuch Perſon being thereof duly Convicted before any One Aſſiſtant, Juſtice of the Peace or Warden, in ſuch Town, ſhall Forfeit and Pay to the Uſe of ſuch Town, for the firſt Offence, Six Shillings and Eight Pence, and for the ſecond Offence, Thirteen Shillings, and for the third Offence, ſhall Forfeit and Pay Twenty Shillings, and for Example to Others, ſhall ſtand in the Pillory, in ſome Publick place in ſuch Town, for the ſpace of One Hour.

AND be it further Enacted by the Authority aforesaid, That if any Perſon or Perſons, of the Age of Fourteen Years or upwards, ſhall either by Word or Writing, Publiſh, Tell, or Declare any Lye or Lies, tending to the Defamation or taking away the good Name, Fame or Credit or Eſtate of any Perſon, and whereby ſuch Perſon may be Reaſonably thought to be Hurt or Damniſied, ſuch party ſo Hurt or Damniſied thereby, ſhall or may take his or their Suit againſt ſuch Offender, and Recover his juſt Damages ; And the Offender therein upon Conviction, ſhall be Fined by ſuch Court, Aſſiſtant, Juſtice of the Peace or Warden before whom Convicted, not exceeding the Sum of Twenty Shillings.



Servants not  
to be put a-  
way before  
their time be  
expired, with-  
out good cause  
Forfeit Forty  
to  
those that put  
them away,  
contrary here-  
unto

AND be it further Enacted by the Authority aforesaid, That any Person what-  
soever, That shall Contract and Agree with any Servant for one Years Service, or  
more or less time; shall not put away his or her said Servant, before the time as  
Agreed on be expired, unless upon good and sufficient cause made appear, before  
one or more Assistant, Justice of the Peace or Warden of said Town, where said  
Master or Mistress Dwells; AND if any Master or Mistress of any Servant or  
servants, shall put away any such Servant, before the time Agreed be expired;  
he or she so doing without a sufficient discharge from one or more Assistants,  
Justices of the Peace or Wardens of said Town, shall Forfeit to such Servant  
agrieved, Forty Shillings in Money, to be Recovered before any Two Assistants,  
Justices of the Peace or Wardens of such Town.

No Servant to  
depart from  
his Masters  
Service with-  
out leave.

AND be it further Enacted by the Authority aforesaid, That no Servant hired  
as aforesaid, for any term of Time, shall depart from the Service of his said  
Master or Mistress, until such time of Service as agreed on between them be fully  
ended, without some justifiable cause, as shall be allowed of, under the Hand of  
one or more Assistants, Justices of the Peace or Wardens of said Town, where  
his Master or Mistress shall dwell; And that if any servant, shall depart from  
his said Master or Mistresses Service ( before his Term or Time of Service agreed  
on be fully ended ) without Licence, first had or obtained, from one or more  
Assistant, Justice of the Peace or Warden of said Town as aforesaid, shall for  
his or her Offence, upon due proof thereof, before any one or more Assistants,  
Justices of the Peace or Wardens of said Town, shall be Committed to Prison,  
there to remain, until he or she so doing, find sufficient Surety, to perform his or  
her Contract, as agreed on.

If a Servant  
depart with-  
out Licence,  
to be commit-  
ted to Goal.

Whoever re-  
tain a Servant  
not lawfully  
discharged shall  
forfeit Five  
Pounds.

AND be it further Enacted by the Authority aforesaid, That whosoever shall  
Wittingly or Knowingly, Retain any such hired servant as aforesaid, that is  
not Lawfully-discharged as aforesaid, shall for every such Offence, Forfeit to the  
Person agrieved thereby, Five Pounds, to be Recovered at any Court of  
Record, by Action of the Case.

No Artificer  
to leave his  
Work before  
finished on the  
penalty of Five  
Pounds.

AND be it further Enacted by the Authority aforesaid, That no Artificer or  
Handicrafts-man, That shall Agree or Contract with any Person, for the Per-  
forming of any piece or parcel of Work, Relating to his or their several  
Occupations, or shall Agree to Work for any certain time, shall depart from his  
or their Work, before the same be finished.

AND That if any Artificer or Handicrafts man, upon any Contract with any  
Person, for the performing any Work as aforesaid, shall Depart and Leave his  
said Work before finished, without the Leave or Assent of his Employer,  
shall Forfeit to the Person Agrieved thereby, Five Pounds, to be Recovered in any  
Court of Record within this Colony, by Action of the Case.

Each Town to  
provide for  
their own poor.  
And to put out  
to Service such  
as are likely to  
become char-  
geable.  
Overseers of  
the Poor to be  
chosen in each  
Town annually.

AND be it further Enacted by the Authority aforesaid, That each Town  
in this Colony, shall carefully provide for the Relief of the Poor, Sick,  
and Impotent, of such Town, who are not capable of Providing for themselves;  
And also to Employ or put out to Service, all such Young and Able Persons,  
as are not of sufficient Estates to maintain themselves, or which through  
Idleness, may be likely to become a charge or damage to such Town:  
And for the effectual performing thereof, shall Annually at the time of Election  
of Town Officers, Elect and Chuse Overseers of the Poor, who are from  
time to time, to give in their Information to the Town Council thereof,  
who upon such Information, are to take such course, for the Effecting  
thereof, as to them shall seem proper and needful, Agreeable to the  
Statute of the XLIII. of ELIZABETH. CHAP. 2d.

AND



AND Be it Enacted by the Authority aforesaid, That any Assistant, Justice of the Peace or Warden, shall and may upon Lawfully convicting of any Person or Persons being Drunk, either by one sufficient Evidence, or by his own Knowledge thereof, Fine such Person so Offending, for the first Offence, (to be paid into the Town Treasury of such Town, where such Offence shall be committed) or be set in the Stocks, at the Discretion of such Assistant, Justice or Warden, not exceeding Three Hours, and upon a second conviction of the like Offence, such Person shall Pay as a Fine Ten Shillings, to and for the Use aforesaid; And be bound to his Good Behaviour, with two sufficient Surties, in the Sum of Ten Pounds, to the next succeeding General Court of Tryals.

*Drunkennesse.  
For the first  
offence to pay  
Five Shillings  
or set in the  
Stocks.  
For the second  
offence to pay  
Ten Shillings,  
and be bound  
to good beha-  
viour.*

PROVIDED always, that such Complaint, be made within Ten Days after such Offence be committed.

AND Be it further Enacted by the Authority aforesaid; That whosoever shall prophanely Swear or Curse, within the hearing of any Assistant, Justice of the Peace or Warden, or be thereof convicted, either by his own Confession, or by the Evidence of two Witnesses, upon Oath or Engagement, before any one Assistant, Justice of the Peace or Warden, shall for every such Oath or Curse, be Fined Five Shillings, to and for the Use of the Poor of such Town, where the Offence shall be Committed, or be set in the Stocks, at the Discretion of such Assistant, Justice or Warden, not exceeding three Hours.

*Prophane-Curs-  
ing and Swear-  
ing.  
To be fined  
Five Shillings  
for every Oath  
and Curse, or  
to be set in  
the Stocks.*

PROVIDED always, that every Offence against this Law, be complained of within Ten Days after such Offence Committed.

AND be it further Enacted by the Authority aforesaid, That no Person whatsoever, shall keep any Tavern, Ale House or Victualling House nor Sell any strong Liquors of any sort whatsoever by Retail, without a License first had and obtained of the Town Council, of such Town wherein such Person dwells. And if any Person or Persons, shall presume so to do, and be thereof Lawfully Convict, before any one Assistant, Justice of the Peace, or Warden of said Town, either by his own Confession, or by the Evidence of two Witnesses, upon Oath or Engagement, shall Forfeit Forty Shillings, for the Use of the Poor of such Town, where such Offence shall be Committed.

*None to Sell  
strong Liquors  
by Retail,  
without Li-  
cense on the  
penalty of  
Forty Shil-  
lings.*

AND Be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull, for any one Assistant, Justice of the Peace or Warden, to summon and convent before him any person or persons, as he shall think fit, to give Evidence against any such Person, as shall Sell by Retail, any Strong Liquor without Licence, and to cause such person or persons, to give their solemn Engagement thereto, and if such persons refuse the same; then him or them commit to his Majesties Goal in Newport, until he or they purge themselves by their Engagement.

*Power to the  
Officer to Con-  
vent & Swear  
such as he shall  
think are  
knowing of  
the same, and  
if they refuse  
so to do, Com-  
mit them to  
Goal, till they  
purge them-  
selves by Oath*

AND be it further Enacted by the Authority aforesaid, That it shall and may be in the Power of each respective Town Council, to Grant Licences in their Respective Towns, for the keeping of Taverns, Ale-houses, and Victualling-houses; they Granting no Licence under Forty Shillings, nor none above Ten Pounds. And to take such Bonds or Recognizances, as they shall think

*to grant forth  
Licences to*



*Sell strong  
Liquors by  
Retail.*

*Town Councils  
to take Bond  
of Strangers.  
No Tavern-  
keeper to suf-  
fer an Inhab-  
itant to sit  
in his House  
above one  
hour at a  
time, on the  
penalty of  
Ten Shillings.*

*No person to  
sit in a Ta-  
vern for above  
one hour at  
a time.  
On the penal-  
ty of 3 Shil-  
lings, 4 d. for  
the use of  
the Poor.*

meet, of all such Persons as they shall grant Licences to, for their Regular keeping, and maintaining good orders in the same.

AND also that the respective Town Councils, shall and hereby are Im-  
powerd, to take such Security of Strangers, coming to Inhabit in their  
respective Towns, as to them shall seem needful, to secure their Towns from  
any charge that may happen or accrue thereby.

AND be it further Enacted by the Authority aforesaid, That no Tavern-keeper,  
Ale-house-keeper, &c. shall suffer any Inhabitant of the Town wherein he dwells, to  
sit or remain in their House, Tipling or Drinking, for above the space of one  
Hour at a time, on the Penalty of paying *Ten Shillings* for every such Offence, being  
duly Convicted thereof, before any one Assistant, Justice of the Peace or  
Warden of said Town, either by his own Confession, or by the Evidence of two  
Witnesses, upon Oath or Engagement, to be Recovered, by a Warrant of  
Distress, to be granted by any such Assistant, Justice or Warden.

AND That no Towns-man shall sit or remain in any Tavern, Ale-House  
&c. in the Town wherein he dwells, above the space of one Hour at a time;  
and if any Person or Persons, shall presume so to do, contrary to this Act,  
And be thereof duly Convicted, either by his or their own Confession, or by  
the Evidence of two Witnesses upon Oath or Engagement, before any one  
Assistant, Justice of the Peace or Warden, shall Forfeit as a Fine, for every  
such Offence, *Three Shillings and Four pence*, to and for the Use of the Poor  
of such Town, to be Taken by a Warrant of Distress from any such  
Assistant, Justice or Warden.

## AN ACT for Preventing Clandestine Marriages.

BE it Enacted by the General Assembly, And by the Authority of the same,  
That no Person whatsoever, shall Marry with any Female, unless he  
first procure Banes of Matrimony, Sign'd by an Assistant, Justice of the  
Peace or Warden, and duly expose them, in some Publick place in the Town,  
where the Persons designing to Marry dwell, for the space of Ten Days after  
their being first set up; or be Published Two several times, in a Publick  
Assembly in said Town; And that it shall and may be Lawfull, for any  
Assistant, Justice of the Peace or Warden, to Intermarry such Persons, as  
shall be Published as aforesaid.

AND upon Marrying such Persons so Published, the Assistant, Justice or War-  
den that Marry them, shall give the Persons so Married, a Certificate of the  
same, ( under his Hand ) who shall carry the same to the Town Clerk of  
the Town where such Marriage shall be Solemniz'd, And place the same to  
Record; And the Officer that Marries them, and give a Certificate,  
shall have *Three Shillings* for the same.

AND be it further Enacted by the Authority aforesaid, That whoso-  
ever shall Marry with any Female as aforesaid, without duly proceeding as  
by this Act is Required, shall for such his Offence, Forfeit *Five Pounds*, to be  
paid to and for the Use of the Town, where such Offender shall dwell, to be  
Recovered by the Town Treasurer of said Town, in any Court of Record,  
upon due Conviction thereof.

AND.

*None to be  
Married with-  
out Publica-  
tion.*

*And to stand  
up ten days,  
or to be twice  
published in a  
publick As-  
sembly.*

*A Certificate  
to be given  
&c Recorded.  
Fee for Mar-  
rying.*

*Five Pounds  
fine to him  
that shall  
Marry with-  
out being  
published as  
aforesaid.*



*AND be it further Enacted by the Authority aforesaid, That the Colonies* Colonies Seal  
 Seal, shall have Engraven thereon an Anchor. And the Motto thereof to be the An-  
 shall be the Word HOPE. chor and Hope,

## An Act for the Probate of Wills, and Granting of Administrations.

**B**E it Enacted by the General Assembly, and by the Authority of the same, Town Councils  
 That the Power of proving of Wills, and Granting of Administrations of to Prove Wills  
 the Personal Estate of Persons Deceased, shall be in the respective Town and grant  
 Councils of this Colony, where such Person Deceased last Dwelt or Administration  
 Inhabited ; which said Town Council, or the Major part of them, shall have on.  
 the Power as Judge of Probates, to take the Probate of Wills and Testaments,  
 and Grant Administrations, and all other matters relating thereto, to Act  
 and do, as by the Laws of England, and of His Majesties Colony doth  
 belong to the said Office.

*AND Be it further Enacted by the Authority aforesaid, That all Devices*  
 and Bequests of Land or Tenaments, or of any Right or Interest in the same,  
 shall be in Writing, and Sign'd by the Party so devising the same, And  
 shall be Attested and Subscribed in the Presence of the said Devisor, by three  
 or four Credible Witnesses, or else shall be Void and of none Effect.

All Wills de-  
vising Lands  
shall be in  
Writing, and  
shall have  
3 Witnesses.

*AND be it further Enacted by the Authority aforesaid, That the Town*  
 Council of each Town, may Summons and Convent before them, all and  
 every Person named Executor or Executors, of any Testament, to the intent  
 to prove or refuse the Testament of his or their Testator ; And to bring in  
 Inventories of such Testators Estate ; And in case such Person or Persons,  
 take upon him or them, the Executorship, by proving the Will, that then at  
 the same time, such Executor or Executors, shall give Bond to the said  
 Town Council, that within one Month after such Probate, he or they will  
 Exhibit a true and perfect Inventory upon Oath, of the whole Personal  
 Estate of the Deceased, as far as shall come to his or their knowledge ; And  
 that he or they will add thereunto, what and so much as may  
 afterwards appear.

Executors to  
give Bond.

And make  
Inventories.

*AND Be it further Enacted, That such Executor or Executors, upon his*  
 or their making an Inventory of said Estate, shall call two of the next of Kin,  
 or two other honest men, and of good Credit of the Neighbourhood, and in their  
 Presence, and by their Direction cause to be made a True and Perfect Invento-  
 ry of all the Goods and Chattels, Wares, Merchandizes, Rights and Credit  
 of the Testator to be Exhibited to the Town Council, and there Recorded.

Inventory how  
made.  
And to be  
Exhibited to  
the Town  
Council, to be  
Recorded.

*AND be it further Enacted, That upon Probate of such Will or*  
 Testament, the Witnesses to the same, shall upon their Oaths declare, that  
 they saw the Testator Sign, Seal, and Declare the same to be his last Will  
 and Testament ; And that in his Presence, they set their Hands as Witnesses  
 thereunto. And the said Testator was in his Perfect Mind and Memory,

Wills how  
proved.  
When proved,  
to be Record-  
ed.



*Administrati-  
on granted  
forth.*

at the same time, which said Testament being so proved, And the Clerk of the said Council, shall Transcribe a Copy thereof, into the Book of Record, And deliver the Original to such Executor or Executors, with an Attest of its being Recorded. And the said Town Council, shall without delay give to such Executor or Executors, under the Seal of the said Office, a Power to Administer the said Estate.

*If the Execu-  
tors refuse to  
accept, to  
grant Admi-  
nistrati-  
on to  
the next of  
Kin, or to  
the greatest  
Creditor.*

*AND* be it further Enacted by the Authority aforesaid, That in case the Person or Persons named Executor or Executors in a Will ( being duly Summoned ) before such Town Council, to prove the Will, shall refuse so to do, And take upon him the charge of Executorship, such his Refusal, shall be entred in the Registers Book of said Town Council, And thereupon such Town Council, shall Grant Letters of Administration, with the Will annexed thereto, to the Widow or next of kin to the Deceased Person, that shall desire the same; And upon their refusal, to one or more of the Principal Creditors, as the said Council shall think fit.

*Administrati-  
on of Intestate  
Estates, to be  
granted to  
the Widow, or  
next of kin.*

*AND* be it further Enacted, That when and so often, as any Person shall Dye Intestate, Administration of such Intestates personal Estate, shall be Granted to the Widow, or next of kin to the Intestate, that shall desire the same, And in case of their refusal thereunto, such Principal Creditor or Creditors, as the said Town Council shall think fit.

*Administra-  
tors to give  
Bond, and  
render an Ac-  
count of their  
Administra-  
on to the  
Town-Council,  
when required.*

*PROVIDED* always, *And* be it Enacted, That such Widow or next of kin, or Principal Creditor or Creditors of such Intestate, desiring the Administration of such Intestate Estate, shall at the Granting of the same, give Bond to the said Town Council, with two sufficient Sureties in double the Sum of what the said Intestates Personal Estate, shall be by the said Town Council, Valued to be worth, for his and their true and rightful Administration of the said Estate according to Law; And duly Exhibiting a True and Perfect Inventory of such Estate, unto the said Town Council, and to them at all times when Required, to render a True and Faithful Account of such or their Administration.

*Appeal to the  
Governour &  
Council, as  
Supream  
Judge of Pro-  
bates.*

*AND* Be it further Enacted, That if any Party shall be Agrieved at the Judgement or Sentence of such Town Council, for any matters contained in this Act, that in such Case, it shall be Lawful for such Person, to Appeal from the said Judgement or Sentence, unto the Governour and Council of this Colony, who as the Supream Ordinary or Judge of Probates, are hereby Impowered, to hear and determine such Appeals, and to give such Judgment thereupon, as to them shall appear right and agreeable with Law.

*Appellant to  
give Bond.*

*PROVIDED* always that such Person or Persons desiring an Appeal as aforesaid, give security by Bond, to said Town Council, to Prosecute such Appeal with Effect, and to Pay such Costs, as may be Taxed against him or them.

*He that Mar-  
ries with an  
Executrix, or  
Administra-  
trix to give  
Bond.*

*AND* be it further Enacted by the Authority aforesaid, That if any Person shall Marry with any Executrix, or Administratrix, such person upon Information given thereof by any Creditor, Legatee or other person Interested in such Estate, to the Town Council, before whom the Will was proved, or by whom Administration was Granted, shall be Obligated by such Town Council, to give Bond with sufficient Sureties, in Double the Value of such Estate to such Town Council, and their Successors, for the Right, Full and Due Ad-

Administration, of the Estate of the Testator or Intestate; And in case of <sup>Upon refusal</sup> Refusal, any one or more of the Justices of the Peace or Wardens, <sup>to be committed to Goal.</sup> belonging to such Town Council, shall Commit such Person to his Majesties Goal in Newport, there to remain until he shall have performed the same.

AND be it further Enacted, That upon such persons giving Bond with Sureties as aforesaid, all former Bonds given by such Executrix or Administratrix, shall be delivered up to be Cancel'd.

# L A W S

Made and Past by the General Assembly of His Majesties Colony of Rhode-Island, and Providence-Plantations, Begun and Held at Newport, the first day of May, in the Eighteenth Year of His Majesties Reign Annoque Domini. 1666.

AN ACT, Establishing, Settling and Regulating, the General Courts of Tryals, within this Colony, in both Civil and Criminal Causes.

WHEREAS by His Majesties most Gracious Charter, Granted to this His Majesties Colony, full Power and Authority is Given to the General Assembly thereof, to Appoint, Order and Direct, Erect and Settle, such Court of Judicature, as shall be necessary for the Tryal and Determination of all Actions, Causes, Matters, and things, happening within the same; And to Regulate the Proceedings thereon.

BE it Enacted by the General Assembly, and by the Authority of the same, That there shall be two General Courts of Tryals, and General Goal <sup>The Time of the Courts Sitting</sup> delivery, Annually Held at Newport, for the Tryal of all Causes, Matters and Things both Civil and Criminal; The one General Court of Tryals and Goal Delivery, to be Held the last Tuesday of March Annually, and the other on the first Tuesday of September; which said Courts, shall be composed, and consist of the Governour, and Deputy Governour, and Assistants of this Colony, of which the Governour, or in his absence, the Deputy Governour and three Assistants, to be a Quorum; And in case of the <sup>And the Power thereof.</sup> Absence of both the Governour, and Deputy Governour, then any five of the Assistants, to be a Quorum, who shall have Cognizance of all Pleas Real and Personal and Mixt, as also Pleas of the Crown, and Causes Criminal, and Matters relating to the Conservation of the Peace, and Punishment of Offenders, and generally of all other Matters, as fully and amply, to all Intents and Purposes whatsoever; As the Courts of Common Pleas, Kings Bench, or Exchequer, in his Majesties Kingdom of England, Have or ought to Have; And are hereby Impowred to give Judgment therein, and Award Execution thereupon, and make such necessary Rules of Practice, as the Judges of the said Court, shall from time to time see needful.



PROVIDED the said Rules be not Contrary and Repugnant to the known Laws of this Colony.

*The Recorder to be Clerk of the said Court.* **AND** be it further Enacted by the Authority aforesaid, That the Recorder of this Colony for the time being, shall be Clerk of the said General Courts of Tryals, and General Goal Delivery. And that all Writs, Process and Executions for Matters Cognizable by, or Issuing out of the said Courts, shall be Sign'd or Sealed by him, (as need shall require,) who during the Sitting of the said Courts, to make due Entries of the Proceedings thereof, and shall be Paid *Two Shillings per Diem*, out of the General Treasury, for his attendance therein.

*Each Towns Quota of Jury-men.* **AND** be it further Enacted by the Authority aforesaid, That the Town of Newport, shall send to each Respective General Court of Tryals, and General Goal Delivery, Five Grand Jury-men, and Five Petit Jury-men; the Town of Portsmouth, Three Grand, and Three Petit Jury-men; the Towns of Providence and Warwick, two Grand, and two Petit Jury-men each, to be Chosen by each Respective, at their Town Meeting, next preceeding such General Court of Tryals, &c. to the which they shall be Chosen.

*All Jury-men to be Engaged.* **AND** be it further Enacted by the Authority aforesaid, That every Grand Jury-man, and Petit, chosen as aforesaid, before his Acting as such, shall take each his Respective Engagement following.

*Grand Jury-man's Engagement.* **WHEREAS** You A. B. are Chosen on the Grand Inquest, on the behalf of Our Sovereign Lord the King, You do here Promise and Engage, to make a true Return to this Court, of all such Bills, as shall be Presented to You, or such breakers of Law, as shall come to your Knowledge. And this Engagement You make and give upon the Peril of the Penalty of Perjury.

*Engagement of Petit Jury in Civil Actions.* **YOU** A. B. being of this Jury of Tryals, You shall well and truly try the Issue of this Case, and all Cases that shall be Committed unto You from this Court between the Parties, Plaintiff and Defendant, according to Law and Evidence; And to keep together, until You agree of a Verdict in the Case or Cases Committed to You, and make true Return of the Verdict or Verdicts, unto this Court, and to keep your Own and Fellows Secrets; And this Engagement You Make and Give, upon the Peril of the Penalty of Perjury.

*Engagement of Petit Jury in Criminal Cases.* **YOU** A. B. being of this Jury of Tryals, You shall well and truly Try, and true Delivearance make, Between Our Sovereign Lord the King, and the Prisoner at the Bar, according to Law and Evidence, and the Light of your Conscience upon the Evidence; And to keep together, until you are agreed of a Verdict or Verdicts, in the Case or Cases, that shall be Committed to you from this Court; And to keep your Own and Fellows Secrets. And this Engagement you Make and Give upon the Peril of the Penalty of Perjury.

*No General Officer to be Arrested or Attached in Actional Cases but Summon'd.* **AND** Be it further Enacted by the Authority aforesaid, That no General Officer of this Government, during his continuance as such, shall be Arrested or Attached, either in Body or Goods in any Actional Case; And that in all Actual Cases, that any Person may have against a General Officer, it shall be by Summons and no otherwise; And that all Writs of Arrest or Attachment, that shall be Granted forth contrary hereunto, shall be null and Void in Law. And the Defendant shall have his Costs and Damages Accruing thereon.

And



*AND* be it further Enacted by the Authority aforesaid, That all Writts of Arrest and Summons, That are taken out of the Recorders Office, and duly served Forty Days before the Court, to the which they are Directed by the Sheriff or his Deputy. And a Declaration be Entred in the Recorders Office, Twenty Four Days before the Court by the Plaintiff, then the Defendant shall put in his Answer thereto in the Recorders Office, Eight Days before the Court; otherways the Plaintiff may enter a *Nihil Dicit*, and Judgement shall pass against the Defendant for want of an Answer, &c. And all Writts and Summons, that shall be taken out of the Recorders Office, within Forty Days before any General Court of Tryals, shall be Directed to the next General Court of Tryals, succeeding such Court as aforesaid.

*Writts to be taken out, and served Forty Days before the Court.*  
*Declaration to be filed Twenty Days before the Court, and answer Eight.*

*AND* be it further Enacted by the Authority aforesaid, That if the Recorder for the Time being shall be absent at any time from any Court or Courts of Judicature, (either by Sicknefs or other Occasions) where he is Ordered and Appointed to attend; That then and in such cases it shall and may be Lawful for the Judges of such Court, to Appoint another Person, to Officiate in the Room and Stead of the Recorder, during his absence.

*In the absence of the Recorder, the Court to Appoint a Person to Officiate in his room.*

*AND* Be it further Enacted by the Authority aforesaid, That in all Civil Actions, the Plaintiff or his Attorney shall Pay the Jury.

*The Plaintiff to pay the Jury.*

*AND* be it further Enacted by the Authority aforesaid, That the Sheriff and his Deputy, in the Town where such Courts shall be Held, shall Attend all General Courts of Assembly, and General Courts of Tryals, and General Goal Delivery, during the sitting of such Courts.

*Sheriff to attend the General Courts.*

## A N A C T for the Calling of Special Courts.

**W**HEREAS it many times happens, that Merchants, Seafaring-men, and other transient Persons not being settled Inhabitants in this Colony, and coming here to Trade and Negotiate their affairs, are much Damnified therein, upon their Suing or being Sued in Actions Personal, by reason of their long attendance, until the Usual Courts of Tryals in this Colony to Determine such controversies, and which are many times occasioned through Malice of the other Party, to hinder them from proceeding on their Voyages, or otherways.

For the Preventing thereof, and to the end that Justice may be speedily done,

**B**e it Enacted by the General Assembly of this Colony, and by the Authority of the same, That from this time and henceforth, upon the Petition of any Merchants, Seafaring Men or other Transient Persons (not being settled Inhabitants of this Colony, Praying a special Court to be called, to try any Personal Action or Actions, that he hath or wants to Commence against any other Person, or to defend such Action Commenced against him; It shall be in the Power of the Governour, and in his Absence of the Deputy Governour, to Grant forth a Warrant to the Sheriff of this Colony, or in his Absence to his lawful Deputy, for the Impaunelling a Jury of Twelve Men, Qualified

*The Governour and Deputy Governour to Call Special Courts.*



*Judges appointed in Special Courts.*

Qualified according to Law, to meet together at such time and place, as shall be Appointed in the said Warrant, for the Tryal of such Matters as shall be brought before the said Court, which said Court, shall consist of the Governour, and in his Absence, of the Deputy Governour, and Three or more Assistants of this Colony, (whereof one to be an Inhabitant in one of the other Towns within this Colony, then that in which such Court shall be held,) which said Court shall be Appointed to be held, within Ten Days after the Date of said Warrant.

*No Appeal from Judgement save to the King in Council.*

*AND Be it further Enacted by the Authority aforesaid,* That upon Tryal of such Cause or Causes aforesaid at said Court, the Verdict and Judgement thereupon given, shall be final and Definitive, without any Appeal to any other Court, saving only to the Party agrieved, the Liberty of Appealing to His Majesty in Council in England, as in other cases is usually allowed.

*Five Pound to be paid before the Granting of a Special Court.*

*AND be it further Enacted by the Authority aforesaid,* That such Person or Persons, Praying for a special Court, shall be at the charge thereof, and before Granting of the same, shall Pay down to the Governour, or in his Absence to the Deputy Governour *Five Pounds*, towards bearing the Expences of said Court; which said *Five Pound*, in case Judgement is rendred for him, shall be allowed in the Bill of costs, to be Taxed in said Court, and the General Recorder shall be the Clerk of such Court.

AN ACT for the Protection of the Members of the General Assembly, and of Persons Chosen on Juries from being Arrested or Sued, during Service.

**F**ORASMUCH as the Publick Service of His Majesty, and this Government, ought to be Preferred before Private Interests, and that no Person be discouraged from serving the Publick, as Members of the General Assembly of this Colony, or Jurors upon Tryals and Inquest.

*Deputies Exempted from Arrests, &c.*

*Unless by special leave of the Assembly.*

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That all and every Person and Persons, and the Estates of such Persons, as shall be Chosen to serve as Members of the General Assembly of this Colony, for any Town in the said Colony, shall be Free and Exempt from all Summons, Arrests, Attachments and Executions whatsoever, at the Suit of any private Person, to answer any Debt or Damages, Due or pretended to be Due to such private Person, from the Time he is so Chosen, until he be Dismist from such his Station and Employ, without the special Leave and Permission of the said Assembly, first had and Obtained.

*Jurors Exempted from Arrests, &c.*

*AND be it further Enacted,* That all Persons whosoever, that shall hereafter be Lawfully Chosen, to serve on any Grand Jury, Petit Jury, or Jury of Inquest in this Colony, they and their Estates shall likewise be Free, and Exempt from all Summons, Arrests, Attachments and Executions, in the same manner as the Members of the General Assembly are, from the time of their being Chosen, to serve in such Place or Station, until they be Legally Discharged or Dismist from the same, and a reasonable Time for their return to their Habitations again.

*And*



AND be it further Enacted by the Authority aforesaid, That all and every Summons, Writ, Executions, or other Process, which shall or may be served upon any of the Persons aforesaid contrary to this Act, shall be Null and Void and of none Effect in the Law whatsoever; and that any Officer that shall knowingly Grant, Execute or Serve, any such Writ, Summons, Execution or other Process, whereby the Person or Estate, of any Person shall be contrary to this Act Arrested, Imprisoned, Attached or Seized; such Officer upon Complaint of Persons damnified, or molested or damnified thereby, to the General Assembly or General Court of Trials, of this Colony, shall be liable to be Fined according to the Discretion of either of the said Courts, not Exceeding the Sum of Five Pounds, to be Levied on such Offenders Goods and Chattles, by a Warrant or Order from said Court to whom such Complaint shall be made.

All Writs, Summons &c. granted contrary hereto to be void & the Officer be fined not exceeding Five Pounds.

### AN ACT for the Establishing and Regulating of Fees.

AND be it Enacted by the General Assembly of this Colony, and by the Authority of the same, That the Establishment, of the Fees of the several Offices, in the Colony hereafter mentioned, shall be as followeth.

#### Fees for Probate of Wills, &c.

FOR the Probate of Wills where the Inventory exceeds not One Hundred Pounds, <i>Six Shillings.</i>	}	l.	s.	d.
		00	06	00
For every Hundred Pounds above one Hundred Pounds, <i>Two Shillings</i> to the Town Council.	}			
For Probate of Inventory, where no Will appears and where the Inventory exceeds not one Hundred Pounds. <i>Six Shillings.</i>	}	00	06	00
If Above, for every Hundred Pounds more, <i>Two Shillings</i> to the Town Council.	}			

#### Clerks Fees.

FOR Entering A Caveat against the Probate of a Will, or Granting of Administration.	}	00	01	00
For taking Bond and Granting Administration under the Seal of the Town Council.	}	00	04	00
For Registering a Will or Inventory, not exceeding one Page.		00	01	00
If above one Page, for every Page Twenty five lines in a Page.		00	01	00
For a Copy of Ditto from the Record, if not above one Page.		00	01	00
If above one Page, for every Page Twenty-five lines in a Page.		00	01	00
For every Citation and Summons.		00	00	00
For Bond and Granting Licence under the Town Council Seal.		00	05	00
For Bond of every Person that comes to dwell in the Town.		00	01	00
To the Town Sergeant or Constable, for Serving every Summons or Citation if not above a mile from home.	}	00	01	00
If above one Mile from home. for every Mile <i>Three-pence.</i>				

And the Town Clerk shall have and take the same Fees, as the Clerk of the Council for Recording of Instruments, and Granting copies of the same,



## Recorders Fees.

<b>F</b> OR Attending the General Assembly, the General Courts of Tryals, General Goal Delivery, and Special Courts, <i>Two Shillings per Diem</i> out of the General Treasury.	<i>l.</i>	<i>s.</i>	<i>d.</i>
For fixing the Colony Seal.	00	02	06
For every Commission.	00	03	00
For a Writ or Summons.	00	01	04
For filing a Declaration.	00	01	00
For a copy of Ditto not exceeding one Page.	00	01	06
If above one Page, for every Page Twenty-five lines in a Page.	00	01	00
For filing of an Answer.	00	01	00
For copy of Ditto not exceeding one Page.	00	01	06
If above one Page, for every Page Twenty-five lines in a Page.	00	01	00
To & try Action called in Court.	00	01	00
For copy of Record not exceeding one Page	00	01	06
If above one Page, for every Page Twenty-five lines in a Page.	00	01	00
For a copy of every Deposition.	00	01	00
For entering a <i>Nilil. Dicit.</i>	00	01	00
For a <i>Scire Facias.</i>	00	01	04
For Entring Verdict.	00	01	00
For Recording Judgement and Issue	00	01	08
For a Writ of Execution.	00	02	06
For a Distringus.	00	01	00
For Acquital of Felony or Suspicion thereof.	00	01	08
For Entering a Rule of Court.	00	01	08
For Bond in the Recorders Office.	00	02	00
For Entering Traverse upon Indictment.	00	01	00
For filing an Inventory of Goods taken by Execution.	00	01	00
For a Writ of Accompt.	00	01	08
For Entering an order of Court for Reference to Auditors.	00	01	08
For every Person Summoned.	00	00	04
For a Writ of Error.	00	03	00
For a Writ of Attaint.	00	03	00
For filing every Return in Court.	00	00	08
For Entering a Protest in Court.	00	01	00
For every Evidence Read in Court.	00	00	04
For Withdrawing an Action.	00	01	00
For the Discharge of any Person upon Bail to the Peace, &c.	00	01	00

## Sheriffs's Fees.

<b>F</b> OR Serving a Writ if not above a Mile from home.	<i>l.</i>	<i>s.</i>	<i>d.</i>
If above one Mile <i>Two-pence</i> per Mile forward & backward.	00	01	08
For Attending a Prisoner before Imprison'd <i>per Diem.</i>	00	02	06
For copy of Writ.	00	01	00
For Attending of the Court <i>per Diem</i> out of the General Treasury.	00	02	00
For Attendance on every Action.	00	01	00
For discharge of every Person upon Bail to the Peace, &c.	00	01	00
For every Evidence Read in Court.	00	00	04
For Bail Bond in Actional cases.	00	02	00
For Bond to the Peace or Good Behaveiour.	00	04	00
For serving Execution if not exceeding Ten Pounds, one } <i>Shilling and Six-pence</i> per Pound.			
If above Ten Pounds and not exceeding Fifty } <i>Pounds, Twelve-Pence</i> per Pound.			
If above Fifty Pounds, and not exceeding one } <i>Hundred Pounds, Nine-pence</i> per Pound.			

If above one Hundred Pounds, and not exceeding two Hundred Pounds, Six-pence per Pound.	}			
If above two Hundred Pounds, and not exceeding three Hundred Pounds, Four-pence per Pound.	}			
For all Executions above three Hundred Pounds, Two-pence per Pound.	}			
For all Executions Served out of the Town where the Sheriff Lives Two-pence per Mile forward and backward.	}			
For turning the Key on every Prisoner Committed.		00	03	04
For Discharge of every Person upon Bail to the King.		00	01	00

### Attorney General's Fees.

	l	s	d
FOR every Bill of Indictment Drawn and Plea upon Traverse.	00	13	04
For every Ditto Drawn and Pass'd the Court if not found by the Grand Jury.	}	00	03 00
For every Criminal Executed to Death.		01	00 00
For Discharge of every Person upon Bail to the Peace.		00	02 00
For every Days Attendance on the Court.		00	03 00

### Other Fees Allowed in Court.

	l	s	d
FOR Entering every Action, to the Judges.	00	03	00
For Attorney's and Council's Fees.	00	12	00
For Drawing Bill of Costs.	00	01	00
For Taxing Ditto.	00	01	00
For every Case Tryed; to the Jury.	00	12	00
For every Persons Discharged, upon Bail to the King, to the Sergeant.	00	01	00
For every Evidence attending the Court per Diem.	00	01	06
For every Action called, to the Sergeant.	00	01	00
For every Days Attendance by the Sergeant.	00	03	00

### An Act for Regulating the Proceedings on Executions, and Distraints on Goods and Chattels.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That in all civil Cases, where Execution shall be Levied on any Persons Goods or Chattels, the Goods and Chattels so Executed upon, shall be kept in the Officers Hands Ten Days, before they shall be Offered or Exposed to Sale, so that the Person that Owned such Goods or Chattels, so taken by Execution, may within the said time ( if he think fit ) Pay the Money due, together with the charges accruing on such Execution, and thereupon shall have his said Goods delivered to him again. *Goods taken by Distress, to be kept ten days before Exposed to Sale.*

**AND** Be it further Enacted by the Authority aforesaid, That in Case any Officer for Rates, or other justifiable Cause, shall Distrain the Goods or Chattels of any Person ; that then and in such Case, the said Officer shall keep the said Goods and Chattels, for the space of Ten Days, at the Charge of the Owner of said Goods and Chattels, who within the said Ten Days, Paying the Money due, and the Charges accruing thereon, shall have the same Delivered him again ; But in Case the Owner shall not Redeem them as aforesaid, that then the Officer may Sell the same by Publick Vendue or *And also all Goods taken by Distress.*



Outcry, and what overplus shall remain, after the Debt and Charges are satisfied and Paid, shall be returned to the Owner thereof.

*Fines to be paid into the General Treasury, by the Sheriff. Five Pounds for every Month neglected.*

AND be it further Enacted by the Authority aforesaid That all Fines and Forfeitures, shall be Levied by the Sheriff or his Deputy, by Order of the General Assembly, General Court of Tryals, and General Goal Delivery ; shall be by him ( as by Law is required ) Paid into the General Treasury, to and for the Use of the Colony. And if the Sheriff shall refuse or neglect to Pay the same as aforesaid, by the space of one Month, he shall Forfeit for such Offence, Five Pounds, to and for the use of the Colony, to be recovered by the General Treasurer for the time being, in any Court of Record.

*Fines to be paid into the Town Treasury, by the Constable, &c. within one Month after Levied, on the penalty of Five Shillings per Month*

AND that all Constables, and other Officers of the Respective Towns within this Colony, who are legally Authorized and Appointed to Collect and Gather any Fines or Forfeitures, which of Right ought to be Paid into the Town Treasury. And shall after the Levying and Collecting of the same, Neglect or Refuse so to do, by the space of one Month, he shall for every Month after the Expiration of the aforesaid time, Forfeit Five Shillings, to and for the Use of such Town, to be Recovered by Complaint or Information, before any one or more Assistants, Justices of the Peace or Wardens, of such Town.

### An Act for the due Recording, Preserving and Keeping the Acts of the General Assembly of this Colony.

*The Recorder to Register the Acts of Assembly, and send Copies to the Towns, on the penalty of Five Pounds for every Offence.*

BE it Enacted by the General Assembly, and by the Authority of the same, That the General Recorder of the Colony for the time being, shall Record all the Acts of the General Assemblies of this Colony in a Book, and send forth true Copies of the same, to the several Towns in the Colony, with the Colonies Seal affixed thereunto, by the several times, as by the General Assemblies shall from time to time be Ordered ; on the Penalty of Five Pounds, for every such Offence that he shall be wilfully guilty of, to be paid into the General Treasury, to and for the Use of the Colony.

### AN ACT Establishing the Election of Town Officers, in each Respective Town in the Colony.

*Each Town to Elect Town Council-men, and other Town Officers, who shall make a Town-Council.*

BE it Enacted by the General Assembly, and by the Authority of the same, That every Town within this Colony, shall once in every Year, ( on a Day to be by the Free-men of each Respective Town appointed, ) chuse and elect such and so many Town Officers, as by the Laws of this Colony are or shall be required. And that on such a Day, by them appointed, they shall Annually chuse and elect, six good and sufficient Free-holders of each Town, for the constituting of a Town Council for each Town, who together with such Assistants, Justices of the Peace and Wardens, as shall Dwell and Inhabit in said Town, with the Governour and Deputy Governour, and each of them in such Town or Towns where they shall Inhabit or Reside. shall be and they hereby are constituted and appointed, a Town Council for such Town ; And they or the Major part of such Town Council, shall be a Quorum, and have full Power to Manage the Affairs and Interest of said Town.

*Their power.*



Town. And in all matters to Act, Do, Transact and Determine, all and every thing or things, which shall fall within the Jurisdiction of the same.

AND be it further Enacted, by the Authority aforesaid, That the Free-men of each respective Town, shall Annually on the Day of Election of Town Officers, Elect a Town Clerk, (who shall be Clerk of the Town Council,) a Town Treasurer, a Town Sergeant, a Town Packer, a Town Sealer of Weights and Measures, and so many Constables, Rate-makers, Overseers of the Poor, Surveyors of Highways, Viewers of Fences, and all other Officers, as each or any Town in this Colony, shall have Occasion for.

*What Officers shall be Annually Elected.*

AND be it further Enacted by the Authority aforesaid, That the Free-men of each Respective Town, on their Respective Town meeting Days, as shall be by them appointed, shall and they hereby have full Power Granted them to Admit so many Persons Inhabitants of their Respective Towns, Free-men of their Towns, as shall be by them Adjudged deserving thereof; And that the Town Clerk of each Town, shall once every Year send a Role or List of all Free-men so Admitted in their Respective Towns, to the General Assembly to be held for this Colony at Newport, the Day before the General Election, and also such Persons that shall be so return'd and Admitted Free-men of the Colony, shall be inrolled in the Colonies Book, by the General Recorder.

*Towns power to make Free-men.*

AND be it further Enacted, by the Authority of the same, That whosoever shall be Legally chosen and Elected to the Office of a Constable, within any Town within this Colony, and shall refuse to serve in said place, shall Pay as a Fine, the Sum of Three Pounds, Six Shillings and Eight Pence, to be paid into the Town Treasury, to and for the Use of such Town; And if the Person so chosen shall refuse to Pay the same, that then it shall & may be Lawful for any Assistant, Justice of the Peace or Warden of such Town, to Grant forth a Warrant of Distress, to Distrain and Levy so much of said Persons Goods and Chattels, as shall Pay the same, and the said Fine so Levied, to be paid into the Town Treasury as aforesaid.

*Constables Fine, if refuses to Serve, 3 Pounds, Six Shillings and Eight Pence.*

AND be it further Enacted by the Authority aforesaid, That whosoever shall be duly Elected to the Office of Town Sergeant, or Ratemaker in any Town within this Colony, and shall refuse therein as by Law required, shall Pay as a Fine Forty Shillings, into the Town Treasury, to and for the Use of such Town, and if such Persons shall refuse to Pay the same, then it shall be taken by Distraint in manner as aforesaid.

*And Town Sergeants and Rate-makers, Forty Shillings*

AND Be it further Enacted by the Authority aforesaid, That every Person that shall be chosen and elected to any Town Office, in any Town within this Colony, shall take the following Engagement, before he act in his said Office.

*Town Officers to be Engaged.*

YOU A. B. Do hereby solemnly Engage, true Allegiance unto His Majesty His Heirs and Successors to bear; And that You shall well and truly Execute the Office of for this ensueing Year, or until another be Engaged in your room, or You be Legally Discharged thereof, and this Engagement, You make and Give upon the Peril of the Penalty of Perjury.

*The Form of their Engage-ment.*



# AN ACT for the Regulating of Fences, throughout this Colony.

**F**ORAS MUCH as Disputes and Differences, has arisen, and daily doth arise between the Owners and Proprietors of Lands within this Colony, about the making their proportionable parts of Fence, where their Lands joyn and are under Improvement.

For the Regulating whereof,

*Partition Fences to be equally maintained.*

*Upon neglect, how to be prosecuted.*

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That all Partition Fences, between Lands under Improvement, shall be made and maintained from time to time in equal halves, by the Proprietors or Possessors of such Land respectively, and in Case any Proprietor of any Land, shall Improve his Land, (the Land adjoining, being unimproved,) and make the whole Partition Fence; in such Case, the Proprietor or Possessor of the Land adjoining and unimproved shall upon his Improvement of the same, Pay for the one half of such Partition Fence, according to the value thereof at that time, and shall keep up and maintain his half part thereof for the future. And in Case either of the Proprietors or Possessors of adjoining Lands, shall refuse so to do; That then upon Complaint of the party agrieved thereby, to the Viewers of Fences in said Town, any Two of the said Fence Viewers, are to take a View of such Fence so wanting, or not kept in Lawful repair, and upon their certifying the same under their hands; The said party agrieved may make or repair the Fence so certified to be wanting, and recover the charge and damage thereof, if not exceeding Forty Shillings, by Action to be brought before any Two Assistants, Justices of the Peace or Wardens in said Town, and if the charges or damages are above Forty Shillings, then at the General Court of Tryals,

*Any one that withdraws his Fence, shall yet maintain one half of his Line.*

**AND** be it further Enacted by the Authority aforesaid, That if any Person shall withdraw his Fence from the Line, between himself and neighbour, the party so doing, shall make and maintain the one half of his said neighbours Fence notwithstanding, saving to every Person such Agreement, for the maintainance of their divisional Fence, as shall be by them made.

*What Fence shall be deemed lawful Fence.*

**AND** Be it further Enacted by the Authority aforesaid, That all the several sorts of Fences hereafter mentioned and made, as is hereafter expressed, is and shall be deemed and adjudged Lawfull and sufficient Fence, for the Fencing in of any Lands, and that all other sorts not here expressly mentioned, that shall upon the View of the Fence Viewers, be adjudged as good and sufficient as these that are hereafter mentioned, shall be deemed Lawfull Fence, against Horses, Neat Cattle, Sheep &c. A Hedge with Ditch, shall be Three-foot high above the top of the Ditch, and well staked at the distance of every foot and half, bound together at the top and well fill'd. A Hedge without a Ditch shall be four foot high, staked bound and filled as a Hedge with a Ditch; and Post and Rail Fence on a Ditch or Bank, shall be four Rails high, well set in Posts, and all Post and Rail Fence without a Ditch or Bank, shall be made five Rails high, and well set in Posts. And that if the above specified sorts of Fence, and other sorts not herein Expressly mentioned, be not adjudged or deemed equivalent thereunto, by the Fence Viewers as aforesaid, shall be deemed

deemed unlawful Fence, and the party that shall be agrieved thereby, shall have and recover his Damages accruing thereon, against the Possessor of such Land.

AN ACT, for Preventing any Inhabitants of this Colony,  
from subjecting their Lands under any other Government.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That if any Person or Persons, Inhabiting within, or having any right to any Lands lying within the Limits of this Colony; shall Subject, <sup>No person shall subject</sup> Put, or Endeavour by any ways or means to Put, or Subject such Lands, <sup>any Land with in this Colony under any other</sup> under the Jurisdiction or Authority of any other Government or Colony; That such Person or Persons, being duly convicted thereof, shall Forfeit to and for the Use of this Colony, and towards the Support thereof, <sup>On the Penalty of forfeiting all such Lands, and being fined at discretion,</sup> all such Lands by him or them so Subjected, or Put, or Endeavoured to be Subjected or Put under any other Government or Colony; and be further Fined, at the Discretion of the Judges of such Court, before whom Convicted; and whoever shall be Procuring, Aiding, Abetting or Assisting, any other Person or Persons in any of the aforesaid Offences, and being thereof duly Convict, shall be Fined at the Discretion of the Judges of the Court before whom Convicted.

AN ACT, to prevent excessive Riding in any of the  
Streets or Highways of the Towns of Newport and  
Providence.

**W**HEREAS several Persons have had their Bones Broke, and received other Damages, by excessive Riding in the Streets or Highways of the Towns of Newport and Providence.

For the preventing whereof for the future,

**B**E it Enacted by the General Assembly, and by the Authority of the same, That whosoever shall Ride faster then a common Travelling pace, in any of the Streets or Highways, of the Town of Newport, or <sup>Excessive Riding to be punished by fine, not exceeding five Shillings.</sup> shall Ride a Gallop, in the Streets or Highways of the Town of Providence, shall for every such Offence, Forfeit Five Shillings, the one half to the Informer, and the other half to and for the Use of the Poor of the Town, where such Offence shall be committed, to be Recovered upon Complaint thereof made before any one Assistant, or Justice of the Peace, of the Town where such Offence shall be Committed, together with the reasonable charge accruing thereon, unless Justifiable excuse shall be made to appear before the said Assistant, or Justice, that shall Try the same.



A N A C T, Directing what Bonds the Sheriff shall take  
of Persons Arrested in Civil Actions.

One Hundred  
Pounds Real  
Estate to be  
Security for  
the Person  
Arrested.

**B**E it Enacted by the General Assembly, and by the Authority of the same,  
That all Persons whatsoever, that are Inhabitants of this Colony,  
and have a Visible Real Estate of Free-hold in the same, of the  
Value of one Hundred Pounds, his or their own Bond shall be taken by  
the Sheriff, to answer such Action.

A N A C T, Establishing Pounds and Stocks, &c.

Every Town  
to have a  
Pound, and  
Cage or Stocks.  
On the penal-  
ty of Ten  
Pounds.

**B**E it Enacted by the General Assembly, and by the Authority of the same,  
That Each Respective Town in the Colony, shall Erect, Build, Make  
and Maintain at their own charge, one Publick Pound, for the Im-  
pounding of Horses, Neat Cattle, Sheep, &c. and one good sufficient Pair of  
Stocks or Cage, for the Punishing and Securing of Offenders, in such place  
or places of each Respective Town, as shall be to them most convenient,  
on the Penalty of Forfeiting Ten Pounds, to and for the Use of the Colony,  
by every Town as shall neglect the same.

# L A W S

Made and Past by the General Assembly of His Majesties Colony,  
of Rhode-Island, and Providence-Plantations, Held at Newport, the  
first day of May, 1669.

A N A C T, for Erecting a Township in the Narragansett  
Country, to be called *Westerly*.

**W**HERAS the Inhabitants of a certain Tract of Land, in the Narragansett  
Country, called and known by the Name of Misquamacuk, alias  
Pawcatuck, Bounded *Westerly* on the Colony, and *Southerly* on the Sea; Have  
Petition'd this Assembly to be Incorporated into a Township; and there being a  
sufficient number of Inhabitants already settled thereon, and Land convenient  
for the same,

*Westerly*  
Erected a  
Township.

**B**E it therefore Enacted by the General Assembly, and by the Authority of  
the same, That the aforesaid Tract of Land be, and it is hereby Incor-  
porated a Township, and called by the Name of *Westerly*: And the In-  
habitants thereof, shall have and Enjoy all the Rights, Immunities, Priviledges  
and Powers, as other Towns in this Colony have or do Enjoy.

# L A W S

Made and Paft by the General Affembly of His Majesties Colony of *Rhode Ifland*, and *Providence-Plantations* in *New-England*, Held at *Newport* the Second Day of *May* 1671.

A N A C T, for Subfifting of Poor Prisoners Committed, at the Kings Suit.

**B**E it Enacted by the General Affembly, and by the Authority of the same, That all Persons that fhall be Committed to Goal in this Colony, <sup>Poor Prisoners</sup> for Criminal Offences, and are Poor, and have not wherewithal to <sup>at the King's</sup> subfift themselves, fhall be allowed *Five-pence per Diem*, out of the <sup>Suit allowed</sup> General Treasury of this Colony, for their Subfiftance, during their Im- <sup>Five-pence</sup>prisonment. <sup>per Diem.</sup> Provided they demand the same.

# L A W S

Made and Paft by the General Affembly of His Majesties Colony of *Rhode-Ifland*, and *Providence-Plantations* in *New-England*, Held at *Newport*, the Second Day of *May*, 1672.

A N A C T for Incorporating the Lands on *Block Ifland*, A Township to be called *New-Shoreham*.

**W**HEREAS the Inhabitants of *Block-Ifland*, have Petitioned this Affembly, to be Incorporated a Township, and there being a fufficient Number of Inhabitants already Settled thereon, and Land Convenient for the same,

**B**E it therefore Enacted by the General Affembly, and by the Authority of the same, That all the Lands of *Block-Ifland*, be, and they hereby are Incorporated a Township, and called *New-Shoreham*; and the Inhabitants thereof, fhall have and Enjoy all Franchifes, Immunities, Priviledges and Powers. as in their Charter Granted them by this Affembly is more largely fet forth.

*Block-Ifland.*  
*Erected a*  
*Township. and*  
*called New-*  
*Shore-ham*



# L A V V S

Made and Paſt by the General Aſſembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations* in *New-England*, Held at *Newport*, the Twenty Eighth Day of *October*, 1674.

**A N A C T**, Incorporating a certain Tract of Land in the *Narragansett* Country into a Township, to be called *Kingstown*.

**W**HEREAS the Inhabitants of a certain Tract of Land in the *Narragansett* Country, Bounded East by the *Narragansett-Bay*, Southerly the Sea or Ocean, and West by the Township of Westerly, have Petitioned this Assembly, to be Incorporated a Township; and there being a Sufficient Number of Inhabitants already settled thereon, and Land convenient for the same,

Kingstown  
Erected.

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That the aforesaid Tract of Land in the *Narragansett*-Country, be, and hereby is Incorporated a Township, and called *Kingstown*, and the Inhabitants thereof, shall have and Enjoy all such Immunities, Priviledges and Powers, as in their Charter Granted them by this Assembly, is more largely and amply set forth.

# L A W S

Made and Paſt by the General Aſſembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the Thirty First Day of *October*, 1677.

**W**HEREAS there is a certain Tract of Land in the *Narragansett* Country, Bounded Northerly upon the Town of *Warwick*, and Easterly upon the *Narragansett-Bay*, Southerly and Westerly as by Plat, Returned to this Assembly, by Messieurs Peleg Sanford, and John Smith, Surveyors, especially Impowered thereto.

East Green-  
wich Incorpo-  
rated a Town-  
ship.

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That the aforesaid Tract of Land be, and it hereby is Incorporated a Township, and called *East Greenwich*, and the Inhabitants thereof, shall have all such Immunities, Priviledges and Powers as other Towns in this Colony, generally have or do Enjoy.

An

## An Act for Granting of Rehearings.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That either Plaintiff or Defendant, that shall be agrieved, at the General Court of Tryals by Judgement given against either of them, shall and may have Liberty of one Rehearing, to the next succeeding General Court of Tryals. *Plaintiff or Defendant may have a Rehearing, then giving Bond in the Recorders Office, to prosecute the same, &c.* Provided he or they so Rehearing, shall Pay into the Recorders Office, (within ten days after such Judgement rendred) such Costs as shall be Taxed against him or them at such Court, and give sufficient Bond to the Recorder, to prosecute such Rehearing with Effect, and Pay all such Costs as shall be Awarded against him or them, at such succeeding General Court of Tryals.

## AN ACT to Enable private Persons to Recover their Debts due from any Town by Action, against the Town Treasurer.

**B**E it Enacted by the General Assembly, and by the Authority of the same; That all Persons whatsoever, That shall have any Money due to him or them, from any Town in this Colony, for any matter, cause or thing whatsoever, shall take the following Method for the obtaining of the same, *How Debts due from a Town may be recover'd.* (to wit) such person or persons, shall Present to the Town Meeting, a particular Account, of such Debt or Money due, and how Contracted; which being done in Case Just, and due satisfaction is not made him or them by the Town Treasurer of such Town, within one Months time after such account be given in as aforesaid, that then it shall be Lawful for such person or persons, to Commence his or their Action against such Town Treasurer, for the recovery of the same, and upon Judgement Obtained for such Debt or Mony due, in Case the Town Treasurer shall not have sufficient of the Towns Money in his hands, to satisfy and pay the Judgment Obtained against him, and the charges expended in defending such Suit; That then upon Application made by such Town Treasurer, to any one Assistant, Justice of the Peace or Warden of such Town, such Assistant, Justice or Warden, shall grant forth a Warrant, to the Town Sergeant of such Town, Requiring him to Warn the Inhabitants of such Town, to hold a Town Meeting, at such time and place as shall be Appointed, for the speedy ordering and making a Rate, to be Collected for the Reimbursement of such Town Treasurer; And in Case such Town upon due Warning given them, shall not take due, speedy, and effectual care to Reimburse, Pay, or Satisfy such Town Treasurer such Moneys, Costs and Charges by him Expended or Recovered against him; That then upon Information or Complaint thereof by him made, to the next General Assembly of this Colony, such order shall be given therein, for the said Treasurers Reimbursement, with allowance for all incident costs, charges and trouble occasioned thereby; and such Town shall be Fined, at the Discretion of the said General Assembly. *Account to be Exhibited to the Town Meeting, and then the Town Treasurer to be Sued for the same. If the Town Treasurer have not sufficient to pay the same, to give Information thereof to an Assistant. &c. who is to call a Town Meeting, to make a Rate for the same. And if any Town shall neglect so to do, such Town shall be fined by the General Assembly.*



AN ACT, Enabling the Sheriff to Appoint and Constitute a Deputy or Deputies.

*The Sheriff to appoint a Deputy.*  
**B**E it Enacted by the General Assembly, and by the Authority of the same, That the Shiriff of this Colony for the time being, shall at all times hereafter have Power and Authority, to Constitute and Appoint one or more Deputies under him, for the due Serving or Executing any Writ, Warrant, or Execution, belonging to his Office, as also to Collect Fines and Amercements.

*And to be responsible for him.*  
**PROVIDED** always, and it is Enacted, That such Sheriff shall be Responsible for any neglect or misdoing, of such his Deputy or Deputies, in the Matters and Trusts committed to him or them.

An Act, for Amercing Persons Chosen to Serve as Jurors at any Court in this Colony, for Non-Appearance.

*Jurors upon non-appearance, to be fined Thirteen Shillings and Four-pence. Towns fined, if they don't chuse and send their Quota of Qualified Jury-men. To be taken by Distress.*  
**B**E it Enacted by the General Assembly, and by the Authority of the same, That in Case any Person shall be duly Chosen by any Town in this Colony, serve on a Jury at any Court in this Colony, and shall not make his due Appearance at such Court as by Law he ought; that then such Person shall (for such his default) be Amerced the Sum of *Thirteen Shillings and Four-pence*, by the Judges of said Court, unless they shall see reasonable cause to mitigate or remit the same.

**AND** be it further Enacted by the Authority aforesaid, That in Case any Town shall neglect to chuse, and send their number of Jury-men, or neglect and send Persons not qualified according to Law; that then such Town shall be Amerced, for every such Person so Omitted to be sent, or unqualified as aforesaid, the Sum of *Twenty Shillings*, to be Levied by Distrainment upon the Estate of the Treasurer of such Town, by Warrant from the General Recorder, directed to the Sheriff of this Colony, or his Deputy, the said Treasurer to be Reimbursed by such Town.

AN ACT, Directing the Duty of His Majesties Attorney General in this Colony.

*Attorney General to attend the Courts de Die in Diem, and to draw all Indictments, and prosecute the same.*  
**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That His Majesties Attorney General for this Colony, shall constantly give his Attendance at all General Courts of Tryals, and Goal Delivery, where his Attendance is by Law required, for the service of His Majesty: And is to give unto such Court or Courts, due Advice and Information, concerning any Crimes, Breaches of the Peace, or Wrongs done to His Majesty, or any of His Subjects, that shall come to his knowledge; and to draw up and present to such Courts, all Informations and Indictments, or other Legal Process, against any such Offenders as by Law is Required, and diligently by a due course of Law, to Prosecute the same, to final Judgement and Execution.

An

AN ACT, for the Protection of Witnesses from Arrest, that shall come from another Government to give Evidence.

**W**HEREAS many times it falls out, that Persons Living in other Governments, can give Evidence against Criminals, but for fear of being Arrested, are discouraged from giving their Personal Attendance in the Courts of this Colony, as is needful and requisite in such Cases.

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That where any Person shall by Notification in Writing from any Assistant, Justice of the Peace, Warden, or from the General Recorder of this Colony, be desired to Appear before such Assistant, Justice of the Peace or Warden, or before any Court in this Colony, to give in Evidence in any matter relating to any Criminal Offence; That such Person shall be Protected, and free from all Arrest in Civil Actions, during the necessary time of his coming and giving Evidence, and returning out of this Government again.

# L A W S

Made and Past by the General Assembly of His Majesties Colony of Rhode-Island, and Providence-Plantations. Held at Newport, the Thirtieth Day of May 1678.

AN ACT, for Incorporating the Island of Conanicut a Township, to be called James-Town.

**W**HEREAS Mr. Caleb Carr, Mr. Francis Brinly, and other Inhabitants of the Island of Conanicut, Have Petition'd this Assembly, to be Incorporated a Township; and there being a sufficient number of Inhabitants thereon, and Land convenient for the same,

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same; That the abovesaid Island of Conanicut, be, and it is hereby Incorporated a Township, and called James Town, and the Inhabitants thereof, shall have and Enjoy all such Franchises, Liberties, Priviledges and Powers, as the Town of New Shoreham, in this Colony Have, Do, or ought to Enjoy,



# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*. Held at *Newport*, the Sixth Day of *May*, 1679.

## A N A C T, Prohibitng Sports, and Labours on the First day of the Week.

No Person to Labour, nor Play on the First Day of the Week. On the Penalty of Five Shillings.

**B**E it Enacted by the General Assembly of this Colony, and by the Authority of the same, That no Person nor Persons within this Colony, shall do or exercise any Labour or Business, or Work of their ordinary Calling, nor Use any Game, Sport, Play or Recreation, on the First Day of the Week, nor suffer the same to be done, by their Children, Servants or Apprentices ( works of Necessity and Charity only excepted ) on the Penalty of *Five Shillings*, for every such Offence, to be Levied on due Conviction thereof, by Warrant of Distress, from any one Assistant, Justice of the Peace, or Warden, to the Constable of such Town, where such Offence shall be committed, to and for the Use of the Poor of such Town, together with the reasonable charges accruing thereon. And in Case such Offender shall not have sufficient to satisfy the same, then to be set in the Stocks, by the space of Three Hours. And that whosoever shall Improve, set to work or encourage any other Person's Servant, to Commit any of the aforesaid Offences, shall suffer the like Punishment as aforesaid.

## A N A C T, for Preventing Sailors, from being Trusted or Credited for Strong Liquors.

**W**HEREAS it is the frequent Complaint of Masters and Commanders of Ships- and other Vessels, of Great Damage sustained by them, by reason of the Entertaining and Trusting of Sailors, ( Ship'd in their Employ, ) by Tavern-keepers and others, whereby their Voyages are many ways hindered.

No Tavern-keeper, &c. to Trust a Sailor above Five Shillings.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That if any Person or Persons, keeping any Tavern, Ale-house, Victualling-house or Ordinary, shall Trust or give Credit to any Sailor, Ship'd on Board any Ship or other Vessel, without the knowledge and Consent or Order of the Master or Commander of such Ship or Vessel, whereunto such Sailor shall then belong, for any more or greater Sum than *Five Shillings*. And such Person or Persons giving Credit, or Trusting such Sailor for more, shall be wholly barr'd, during the time such Sailor shall remain in such Commander or Masters Service, from bringing any Action for the same; & in case such Person shall cause such Sailor to be Arrested, detained or hindered, from following his Commanders or Masters Employ on said Voyage,

Voyage, contrary to this Act; such Commander or Master shall have his Action against such Person thereupon, and recover his full Damages with Costs.

# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the Fifth Day of *May*, 1680.

A N A C T, Granting Appeals to the General Assembly, from the General Courts of Tryals.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That in all Personal Actions, where either Plaintiff or Defendant, shall Obtain two Judgments for him at the General Court of Tryals in one Action and Cause brought to the said Court: The other Party against whom said Judgments were given, shall have Liberty to Appeal to the next General Assembly, from the last Judgment for Relief, who may if they see Just and Reasonable Cause, Confirm, Alter, Amend, or Reverse such Judgments, and give a new Judgment thereupon, as to the said Assembly shall appear to be agreeable to Law and Equity: And that each or either Appellant or Appellee, shall and may have Liberty of giving in new Evidence upon such Appeal.

PROVIDED Always, the Party desiring an Appeal, shall within the space of Ten Days, after Judgment given in said General Court of Tryals, Enter his Appeal with the Recorder of this Colony, and Pay into the said Recorders Hands, *Three Pounds*, to and for the Use of the said Assembly, for the Entering thereof, and such Costs as was Awarded on said Judgment, and give Sufficient Bond to said Recorder, for the due Prosecution of such Appeal with Effect. And in mean time Execution shall be stayed, until the Determination and Decree of said Assembly be given thereon.

AND be it further Enacted by the Authority aforesaid, That the Party Appealing, shall take out copy of the whole Record of said Judgment, from out of the Recorders Office, Signed to by said Recorder, to be Presented unto such General Assembly, and also shall Ten Days before meeting of such General Assembly, File his Reasons of Appeal with the Recorder, that the Appellee may have a copy thereof, and have due time to put in his Answer thereto, at the first Opening of said Assembly,

M

AN



AN ACT, to Inforce the Election of Town Officers, at their Usual Days of Election.

*If any Town neglect to chuse Town Officers. The General Court of Tryals to order the chusing of the same.*

**B**E it Enacted by the General Assembly, and by the Authority of the same, That if the Freemen, of any Town in the Colony, shall Neglect on their Usual Days of Election, to chuse and elect, so many Town Officers, as by them have been Usually Elected, for the Management of their Prudential Affairs; That then and in such Cases, upon any, such Town being Presented to the General Court of Tryals, by the Grand Jury, and duly Convicted thereof; such Town or Towns, shall be Fin'd at the Discretion of the Judges of such Court, not Exceeding *Fifty Pounds*, and the Judges of said General Court of Tryals, shall give forth and order, appointing and ordering them to chuse and elect their Town Officers as Usual, for the remaining parts of said Year, at such time as shall be by them Enjoyed.

L A V V S

At the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the Third Day of *May*, 1682.

AN ACT for Establishing A Naval Office.

**W**HEREAS by Letters from His Most Gracious Majesty, to this Colony, Dated the Twelfth Day of November, in the Thirty First Year of His Reign, It is Ordered and Commanded, That a Naval Office be Erected in this Colony.

*The Governour to constitute a Naval Office. The Naval Officers Duty.*

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That the Governour of this Colony for the time being, shall, and hereby is Impowered to appoint one or more Naval Offices, in such Place or Places in this Colony, as he shall think fit and needful, and shall Annually appoint a proper Person or Persons as Naval Officer or Officers therein, to take Entries of Vessels, and in all things belonging to said Office, to take care that the Laws Relating to Navigation or Customs and Duties on Goods and Merchandize, be duly observed.

A N

**A N A C T,** Confirming the Grants heretofore made by the Inhabitants of the Towns of *Newport, Providence, Portsmouth, Warwick, and Westerly*, and to Enable said Towns to make Prudential Laws and Orders, for their better Regulating their Town Affairs.

**W**HEREAS in the Fifteenth Year of the Reign of our Royal Sovereign Lord Charles the Second, of Blessed Memory, there was a Charter Granted to this his Majesties Colony of Rhode-Island, and Providence-Plantations in New-England, In which was contain'd many Gracious Priviledges, Granted to the Frece Inhabitants thereof; and amongst others of the said Priviledges, there was Granted to the General Assembly of said Colony, full Power and Authority so Make and Ordain Laws, suiting the Nature and Constitution of the Place; and in Particular to Direct, Rule and Order all-matters Relating to the Purchases of Lands of the Native Indians. And this Present Assembly, Taking into The Purchases their serious Consideration, That the Lands of the several Towns of Newport, made by the Providence, Portsmouth, Warwick and Westerly, were Purchased (by the Towns of several Inhabitants thereof,) of the Native Indians, Chief Sachams of the Country, Newport, &c. confirmed. before the Granting of the said Charter; so that an Order or Direction from the said Assembly could not be obtain'd therein, and it being thought Necessary and Convenient for the reasons aforesaid, That the Lands of the aforesaid Towns should be by an Act of the General Assembly, of this His Majesties Colony, Confirmed to the Inhabitants thereof according to their Several and Respective Rights and Interest therein.

**B**E it therefore Enacted by this Present Assembly, and by the Authorizing thereof it is Enacted, That all the Lands Lying and being, within the Limits of each and every of the aforesaid Towns, of *Newport, Providence, Portsmouth, Warwick, and Westerly*, according to their Several Respective Purchases thereof made and obtain'd of the Indian Sachams; Be and hereby is Allowed of, Ratified and Confirmed, to the Proprietors of each of the aforesaid Towns, and to Each and Every of the said Proprietors, their several and Respective Rights and Interests therein, by Virtue of any such Purchase or Purchases as aforesaid, TO HAVE AND TO HOLD, all the aforesaid Lands, by Virtue of the several Purchases thereof, with all the Appurtenances, Priviledges, and Commodities thereunto belonging, or any wise Appertaining, to them the aforesaid Proprietors, their Heirs and Assigns for ever, in as Full, Lawful, Large and Ample manner to all Intents, Constructions and Purposes whatsoever, as if the said Lands, and every part thereof, had been Purchased of the Indian Sachams, by Virtue of any Grants or Allowance Obtained from the General Assembly of this Colony, after the Granting of the aforesaid Charter; and whereas there is within several of the Towns within this Colony, considerable of Lands, Lying yet Uncommon or Undivided; And for the more orderly way and manner of the several Proprietors, their managing the Prudential Affairs thereof: And for the more effectual making of Just and Equal Division or Divisions of the same, so that each and every of the Proprietors may have their True and Equal part or proportion of Land, according to his or their proportion of Right, and



that the Exact Boundaries of each and every Mans Allotments, when Laid to him may be kept in *Perpetuam*.

*How they shall divide their Commons.*

*It is further Ordered and Enacted by the Authority aforesaid,* That it shall and may be Lawful for the Proprietors, of each and every such Town within this Colony, being convened by a Warrant from under the Hand and Seal of an Assistant or Justice of the Peace, in such Town, the Occasion thereof being specified in the Warrant, for them or the Major part of them so met, to chuse and appoint a Clerk, and a Surveyor or Surveyors, and such or so many other Officers, as they shall Judge needful and convenient, for the orderly carrying on and management of the whole Affairs of such Community, and in like manner to proceed from time to time, as often as need shall require.

*The aforesaid Towns to make Acts and Orders for their prudential Affairs.*

*And it is further Ordered,* That each and every Town within this Colony, shall, and are hereby fully Impower'd to Make and Ordain, all such Acts and Orders, for the well Management, Rule and Ordering all Prudential Affairs, within their, and each of their Respective Bounds and Limits, as to them shall seem meet and convenient. Always Provided, and in such Cases, such Acts and Orders, are not Repugnant or Disagreeable, to the Laws of this Colony.

# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the Sixth Day of *May*, 1690.

A N A C T, for Establishing Justices of the Peace, in the Respective Towns of this Colony.

*Justices of the Peace to be Elected for the several Towns.*

**B**E it Enacted by the General Assembly; and by the Authority of the same, That the General Assembly that is Yearly Held at *Newport*, the First Wednesday of *May*, shall during their Session, Annually chuse and Elect so many Justices of the Peace, for each Respective Town in the Colony, as to them shall seem needful and requisite, for the better Administration of Justice, in each Respective Town.

*Their Engagement.*

*AND be it further Enacted by the Authority aforesaid,* That whosoever shall be Elected to the Office of Justice of the Peace in this Colony, shall take the same Engagement, as the General Officers take, before he shall Act or Officiate in said Office, and that every Justice of the Peace shall be Commissioned before his Acting in his Office; by the Governour of this Colony for the time being, under the Seal of the Colony, which Commission shall be in the following Form, ( *to Wit.* )

*Their Commission.*

**Y**OU A. B. being Chosen by the General Assembly, of this their Majesties Colony of *Rhode-Island* and *Providence-Plantations*, to the Place and Office of a Justice



Justice of the Peace, for the Town of  
Majesties Name.

You are hereby in their  
by the Grace of God over England,  
Scotland, France, and Ireland, King and Queen, Defenders of the Faith &c.  
Commissionated to take care for Keeping and Preserving the Peace, and Administring  
the Laws throughout the Township, for the which You are Chosen, according to the Laws  
of the Colony, and Statutes in such Cases Provided and made, and to appear at  
all Courts of Tryals, or make Return thereunto, concerning all Delinquents, or such  
whom by Virtue of your Power, by the Laws you shall Bind over unto such Courts,  
and upon Especial Occasion to send forth Your Warrants, to make Hue and Cry, to  
Apprehend any Malfactor, upon Complaint unto You made, in behalf of their  
Majesties; which Warrants are strictly to be Observed and Pass throughout this  
Colony, for the Apprehending any Person, to Answer at the Kings Suit. And for your  
so Doing, This Commission shall be your Sufficient Warrant and Discharge.

Given under my Hand, &c.

## AN ACT, Establishing the Proceedings and Tryals of all Actions, not Exceeding Forty Shillings.

**B**E it Enacted by the General Assembly, and by the Authority of the same,  
That all manner of Debts, Trespasses and other Actions, not Exceed-  
ing Forty Shillings, ( wherein Title of Lands is not concern'd ) shall and may  
be Heard, Tried, Adjudged and Determined, by and before the Assistants,  
Justices of the Peace, or Wardens of the Town, where the Defendant shall  
live or be Arrested, or by any two of them, who are hereby Impowered upon  
Complaint made of any such matter or cause as aforesaid, to Grant forth a  
Warrant or Summons, against the Party complained of, to be Directed to  
the Constable or Town Sergeant of such Town; where such Defendant shall  
be at the time of Granting forth such Warrant or Summons, and then to  
Adjudge of such Case in Dispute, between the Parties, Plaintiff and Defendant,  
Hearing, Examining and taking according to Law, all such Evidences as shall be  
by either Party produced; and after Judgment given, to Grant forth an  
Execution, to the Constable or Town Sergeant as aforesaid, to Levy the said  
Fine, Debt or Damage, with the charges accruing thereon; upon the Defen-  
dants Goods and Chattels, ( unless the Defendant satisfy and Pay down the  
Judgment and Costs Awarded against him, ) and such Goods and Chattels  
so taken by Distrain, shall be Exposed to Sale, returning the overplus if any  
there be, to the Defendant, and for want of such Goods and Chattels, to  
make such Distress upon, and to take the Body of such Defendant into  
Custody, and him to Commit to any of their Majesties Goals within this  
Colony, there to remain until the said Fine, Debt or Damages, with Costs  
be fully satisfied and Paid; and in Case the Plaintiff be Non-Suited, or  
Judgment pass against him, then the said Assistants or Justices, &c. are  
hereby Impowered to Assess the Defendant, reasonable Costs against such  
Plaintiff, to be Levyed and Recovered, in the same Manner and Form as is  
above expressed, and the said Assistants and Justices, are hereby Required to  
keep fair Records of all their Proceedings therein from time to time.

*Actions not  
exceeding  
Forty Shil-  
lings, how  
Tried.*

*A Warrant or  
Summons to  
be granted  
out.*

*Upon Con-  
viction Exe-  
cution to go  
forth.*

*For want of  
Estate to sa-  
tisfy, to be  
Committed to  
Goal.*

*The Plaintiff  
to pay Costs  
of Non-Suit.*

N

And



Plaintiff and  
Defendant  
have either  
Liberty of  
Appeal to the  
General Court  
of Tryals.  
Whose Judg-  
ment shall be  
final.

*And be it further Enacted by the Authority aforesaid,* That either Party, whether Plaintiff or Defendant, shall and may have Liberty, to Appeal from any such Judgment, to the next succeeding General Court of Tryals, to be Held for the Colony, he entering into Bond with one sufficient Surety, in double the Debt and Damages Sued for, and sufficient to answer all Costs that shall arise on the Prosecution of his said Appeal with Effect, and abide the Judgment of said Courts, where said Appeal shall be Tryed, and Receive a final Issue, without any further Rehearing or Appeals, and such Recognizance taken as aforesaid, shall be by such Assistants, or Justices of the Peace, returned into the Recorders Office, at the Sitting of such Court as aforesaid.

*AND* the Party Appealing, shall bring the Copies of the whole Case, to such Court of Tryals Appealed unto, where such Party shall be allowed the benefit of any further Plea or Evidence, and if upon such new Plea or Evidence, the Judgment shall be Reversed, the Appellant shall have no Costs Granted him for the first Tryal: And the Assistants and Justices, and other Officers concerned in the Proceedings or Tryal of such Actions as aforesaid, shall take these following Fees, hereafter Stated, and no more.

### Fees in Actions not Exceeding *Forty Shillings.*

#### Assistants and Justices Fees.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
<b>F</b> OR a Warrant of Arrest.	00	01	00
For every Summons.	00	01	00
For Judgment.	00	04	00
For Recording of Judgment.	00	04	00
For Bond to the Peace or good Behavior.	00	02	06
For Recognizance on Appeals.	00	01	06
For Execution.	00	01	06
For Copy of the Case, the same as the Recorder.			

#### Constable and Town Sergeants Fees.

<b>F</b> OR Serving of every Warrant, if not above one Mile from Home.	00	01	00
If above one Mile <i>Two-pence per Mile</i> , Forward and Backward,			
For every Person Sumoned, if not above one Mile from Home.	00	00	06
If above one Mile <i>Two-pence per Mile</i> Forward and Backward,			
For every Execution Served upon Personal Estate, not above one Mile from Home.	00	01	00
If above one Mile <i>Two-pence per Mile</i> , Foreward and Backward.			
For every Execution upon the Body.	00	01	00
If above a Mile distance from Goal, <i>Two-pence per Mile</i> Forward and Backward.			
The Constable and Town Sergeant to be allowed for attendance, at the Discretion of the Court.			

To every Evidence for taking Engagement. 00 01 00  
 To every Witness for Attendance per Diem. 00 01 00  
 If above one Mile from home Two-pence per Mile Forward s & Backwards.

## AN ACT, for Regulating the Ferrys.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That all and every person or persons, keeping a Ferry within this Colony, shall at all seasonable times carry and Transport over such Ferry or Ferrys, the person Riding Post, and all Officers, and all others Travelling Backwards and Forwards, upon the Publick Service of the Colony, without demanding any thing for Transportation. *All Persons on Publick Service, to be carried over the Ferrys, Freight free.*

# L A W S

Made and Past by the General Assembly of His Majesties Colony of Rhode Island, and Providence-Plantations. Held at Newport, the Fifth Day of May 1696.

## AN ACT, Regulating the Granting of Commissions to Private Men of War.

**F**OR the Preventing of any Illegal Actions, or Depredations by Privateers, "Commissionated by the Governour or Deputy Governour of this Colony on any of His Majesties Subjects, or others in Alliance with his Majesty.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That no person or persons, shall have any Commission given him or them, by the Governour or Deputy Governour of this Colony, for the Equipping or Fitting out any Vessel or Vessels; for the Annoying, Taking, Seizing or Destroying His Majesties enemies, before such Person or Persons desiring such Commission, give Bond of One Thousand Pounds, Sterling Money of England, with good Sureties for the due Observing and Acting according to such Commission; and that neither such person or perons or any under his or their Command, shall at any time or place Commit any Acts of Hostility, Depredation or Injury, to or against any of His Majesties Sbjcts or his Allies, or that are or shall be at such time in Alliance with his said Majesty, but in all things shall Act against His Majesties enemies, according to the Commission given him or them, and that all Prizes by him or them Taken from His Majesties Enemies, shall be brought into some Port within His Majesties Dominions, there to receive such Examination, Tryal and Condemnation, as by the Judge or Judges Appointed by His Majesty, shall be Adjdg'd Lawful. *Captains of Private Men of War to give a Thousand Pound Bond.*



AN ACT, for Collecting of Rates, where the Person Rated hath no visible Estate.

*If no visible Estate to pay Rates, to be Committed to Goal, until the same be paid.*

**B**E it Enacted by the General Assembly and by the Authority of the same, That if any Person in this Colony, being Legally Rated in any Town, and shall Refuse or Neglect to Pay such Rate, being by the Officer to whom such Rate shall be committed to Collect, Legally Demanded of such person ( in Case no visible Estate can be found by such Officer sufficient for the Payment thereof whereon to Distrain ) shall be by such Officer, ( who is hereby Impowered ) Committed to His Majesties Goal in Newport, there to Remain until the same be satisfied.

AN ACT, for Regulating the Sitting of the General Assembly.

**W**HEREAS it hath been found by long Experience, That the Governour, Deputy Governour and Assistants, sitting with the Deputies for the several Towns, hath been a great hindrance in the Managing of the Publick Affairs of the Government.

For the Preventing whereof for the Future,

*Governour, Deputy Governour and Assistants to Compose the Upper House, and Vote apart.*

**B**E it Enacted by the General Assembly, and by the Authority of the same, That at all times hereafter, During the Sessions of the General Assembly of this Colony ; The Governour, Deputy Governour & Assistants, shall Sit apart from the Deputies of the several Towns, and Debate and Vote in all Publick Affairs of the Colony by themselves, and shall be Term'd and Called the Upper House.

*The Deputies to Sit & Vote by themselves.*

AND that the Deputies of the several Towns in this Colony, shall also Sit, Debate and Vote, in all Publick Affairs of this Colony, During each Session by themselves, and shall be Term'd and Be the Lower House, and shall Elect their Speaker and Clerk, for and During the continuance of such Assembly ; and in Case the said Upper and Lower House ( for the Tryal of any Appeal, or other Occasion ) shall see cause, it shall and may be Lawful, for them to Resolve themselves into a Grand Committee, and Sit and Vote together, for the better Determining of the same.

An

AN ACT, for Preventing of any Intrusion into the Lands  
in the Narragansett Country.

**W**HEREAS sundry Persons, have settled themselves and Families, in the Narragansett Country, without any Legal Title to any Land therein, and without the Consent and Approbation of the General Assembly of this Colony.

For the Preventing the Ill Consequences thereof, and the like Intrusions for the Future,

**B**E it Enacted by the General Assembly, and by the Authority of the same, That all Possessions of any Lands in the Narragansett Country, <sup>All Possession of Lands in the Narra-</sup> obtained by Intrusion, without the consent and approbation of the General Assembly, be Deem'd and Adjudged Illegal and Void <sup>gansett, with-</sup> in Law, and shall not give unto such Possessors, any Right, Title, Interest, <sup>out the Con-</sup> Property or Claim therein or thereunto; and the Assistants, and Justices of <sup>sent of the</sup> the Peace, of the Towns of Kingstown, Westerly, and East-Greenwich, shall <sup>Assembly, to</sup> return the Names of all such Persons, that have Intruded as aforesaid, ( or <sup>be void.</sup> that shall Intrude thereon hereafter ) to the General Assembly from time to time, that they may in such Legal manner, as they shall think fit, order the Removal of such Intruders, and Preserve the Just Rights, of this Colony thereunto.

# L A W S

Made and Past by the General Assembly of His Majesties Colony of Rhode Island, and Providence-Plantations, &c. Held at Newport, the Fourth Day of May, 1698.

AN Additional Act to an Act, for Establishing Weights and Measures throughout this Colony.

**W**HEREAS several Towns in the Colony have been deficient, and have Neglected to Provide Weights and Measures, pursuant to an Act of Assembly, Past in this Colony, March the First, 1663. Entituled, An Act, for Establishing Weights and Measures.

For the better Inforcing whereof,

**B**E it Enacted by the General Assembly, and by the Authority <sup>The Town</sup> of the same, That the Town Treasurer of each respective Town, shall <sup>Treasurer of</sup> at the proper costs and charges of each Town, provide & procure the <sup>each Town to</sup> several Weights and Measures, as, is Specified in the afore-cited Act, <sup>provide</sup> <sup>Weights and</sup> <sup>Measures.</sup> Past



*Fees for the  
Sealer.*

( Past the First Day of *March*, 1663. ) within the space of one Year after the Date hereof, ( if not already supplied ) which shall be Proved and Sealed, by the General Sealer of the Colony, with the Stamp of an Anchor, and every Town that shall Neglect the same, shall Pay as a Fine, *Five Pounds* into the General Treasury; To and for the Use of the Colony, and the General Sealer, shall be paid for every half Bushel, by him Proved and Seal'd, *Six-pence*; and for every other Weight and Measure *Three-pence* each, and the Town Sealer for every Weight and Measure by him Seal'd, *Three-pence*, to be Paid by the Owner thereof.

*And be it further Enacted by the Authority aforesaid, That whosoever shall Sell by any other Weights, then are agreeable to the afore-cited Act, shall Suffer the Penalty, as is therein mentioned.*

**A N A C T**, for Punishing of such as shall Refuse to Aid or Obey, the Assistants, Justices of the Peace, Wardens or Constables, in the due Execution of their Office

*Whosoever  
shall refuse to  
Aid an Officer  
in the Execu-  
tion of his  
Office, shall be  
fined Ten  
Shillings.*

**B E** it therefore Enacted by the General Assembly, and by the Authority of the same, That whosoever shall Refuse to give Aid, or duly Assist, any Assistant, Justice of the Peace or Constable in this Colony, in the due Execution of their Respective Offices, when thereunto lawfully Required; and be duly Convicted thereof, before any Assistant, or Justice of the Peace, &c. shall for every such Offence, Pay as a Fine *Ten Shillings*, into the Town Treasury of such Town, where such Offence shall be Committed; and if the Party so Offending Refuse to Pay the same, then it shall be taken by a Warrant of Distress, and be disposed of as aforesaid.

**A N A C T** for Preventing of Sheep and other Cattel, from being Worried and Torn by Dogs.

**W H E R E A S** great Damage has been done to many Persons, by Dogs Lugging, Worrying, and oftentimes Killing their Sheep and other small Cattel.

For the Preventing whereof,

*No Dog to  
worry Sheep,  
&c.  
On the Pe-  
nalty of the  
Owners pay-  
ing the Da-  
mages for the  
first Offence.  
And for the  
second Offence,  
double Da-  
mages.*

**B E** it Enacted by the General Assembly, and by the Authority of the same, That in Case any Person, shall have any Sheep or other Cattle, Worried, Torn or Killed by any Dog or Dogs, that the Owners of such Sheep or Cattle, shall Recover against the Owner of such Dog or Dogs, by Action of the Case with costs of Court; and that if afterwards, any further Damage be done by such Dog or Dogs to any Sheep or Cattle, in like manner that the Owner of such Dog or Dogs, shall Pay to the Party agrieved thereby, double Damages, to be Recovered in like manner as aforesaid with Costs, and that such Dog or Dogs be Killed.

**A N**



AN ACT, for the Impounding of Cattle, Sheep, &c. and for Recovering the Damages that shall be done by them.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That if any Neat Cattle, Horse, Sheep or Hogs, shall break into the Grounds of any Person through Lawful Fence, the Party agrieved, shall have his Liberty, either to Recover his Damages by Action against the Owner or Owners of the same, or otherwise to Impound the same, in the Publick Town Pound, and forthwith upon such Impounding, to get Two Free-holders of such Town, to Apprize the Damages done, and such Cattle Horses, Sheep or Hogs, to be kept in such Pound, until the Damage and Charge of Impounding be Paid by the Owner thereof.

*The Person agrieved by Cattle breaking into his Grounds, to recover his Damage by Action, or otherwise to Impound.*

PROVIDED always, and it is Enacted, That in Case the Owner or Owners of such Cattle, &c. shall see cause to Replevin the same, that it shall be Lawful for him so to do, he giving Bond to the Assistants, or Justices of the Peace granting such Replevin, to prosecute the same with Effect, if the Damage Apprized Exceed not Forty Shillings, before Two Assistants, or Justices of the Peace, in said Town, and if the Damage be above Forty Shillings, then to be prosecuted at the next succeeding General Court of Tryals.

*Upon Replevin, Bond to be given.*

AND the said Assistant, or Justice of the Peace, granting such Replevin, shall return the same, with the Bond by him taken, ( if Tryable at the General Court of Tryals ) to the Clerk of said Court, Twenty Days before the Sitting of such Court : And if Tryable, before the Assistants or Justices, then Ten Days before the Day appointed for Tryal ; and thereupon the Party Distraining, shall put in his Avowry or Justification of Impounding, into the General Court of Tryals, Eight Days before the Sitting of said Court, with the Clerk of said Court ; and if before the Assistants or Justices, Four Days before the time appointed for the Tryal of the same, with one of the said Assistants or Justices.

AND be it further Enacted, That in case the Owner or Owners of such Cattle, &c. Impounded, shall not within Ten Days after the Impounding the same, pay or satisfy the Damages appraised, and Charge of Impounding and Feeding such Cattle, &c. or otherwise Replevin the same as aforesaid ; that then so many of said Cattle, &c. shall be Sold by Publick Outcry, as will pay and satisfy the Charge and Damages.

*If not replevint'd within ten Days, to be Sold to pay Damages, &c.*

AND be it further Enacted, That the Pound-Keeper shall feed such Cattle, &c. Impounded, at the Charge of the Owner thereof, and shall be allowed and paid for every Neat Beast, or Horse-kind Impounded, Four-pence, and for every Sheep or Hog, One Penny, before Discharged from the Pound.

AND be it further Enacted by the Authority aforesaid, That no Hog or Hogs, shall run at large in any Town in the Government, from the first of February, to the middle of October Annually, Unyoked or Unringed. ( unless by Act of any Town, for such Town it be ordered otherwise, ) and it shall & may be lawful for any Person or Persons, to impound any Hog or Hogs, running loose contrary to this Act, and the Owner of such Hog or Hogs, shall Pay the Poundage thereof, before they be from Pound discharged.

*No Hog to run at large. The Penalty thereon.*



AN ACT, for the Preventing Fires doing damage in  
the Town of Newport.

**F**ORASMUCH as the Buildings in the Town of Newport, are contiguous and adjoining to one another, in most parts of said Town, whereby Fire in breaking out may do unspeakable damage, unless timely Provided for.

*Every House  
to provide one  
good Ladder.  
within six  
Months.  
On the Pe-  
nalty of One  
Shilling  
per Month.*

**B**E it Enacted by the General Assembly, and by the Authority of the same, That the Owner or Owners, of each and every Dwelling-House, in the Town of Newport, from the Pound at the North-east end of the Town, down to the Sea side, and so Southward and Northward, as far as the Buildings are contiguous or adjoining one to another; shall provide and procure (within Six Months from the Date hereof) for each Dwelling-House, one good Ladder of sufficient Length, to reach to the Ridge of his or their Dwelling-House; and the same continually keep in repair; that every Owner or Owners of any Dwelling-House shall neglect to do the same, he, she or they so neglecting, shall for every Month after said Six Months are Expired, Forfeit as a Fine to and for the Use of said Town, One Shilling per Month, to be recovered upon Complaint made, and Convicted thereof before any Assistant, or Justice of the Peace of said Town, by Warrant of Distress; excepting out of this Act, all such Houses which have Walks or Turrets thereon, or other Conveniency, as shall be adjudged and deemed equivalent thereunto.

AN ACT, for Preventing Fraud in Fire-Wood,  
Exposed to Sale.

*Fire-Wood  
to be four  
Foot long, &  
the Cord eight  
foot long.*

**B**E it Enacted by the General Assembly, and by the Authority of the same, That all Fire-wood Exposed to Sale in this Colony, shall be Four Foot Long, Measuring to one Half of the Cart, and shall be Sold by the Cord; and that the Cord shall be Eight Foot Long, Four Foot High, well stowed and closely laid together.

*Every Town  
to Chuse a  
Corder of  
Wood.*

AND that in every Town in this Colony, where Wood is Exposed to Sale by the Cord, the Free-men of said Town shall (if they think fit) Annually chuse and Elect, one Wood-Corder, who shall take the same Engagement to his Office, as other Town Officers do; and shall have Four pence per Cord, for every Cord by him Corded, from the Seller of said Wood.

*All Wood Ex-  
posed to Sale,  
that is not  
four foot long,  
shall be for-  
feited.*

And be it further Enacted by the Authority aforesaid, That whosoever shall Sell or Expose to Sale, any Wood that is not of the Length as aforesaid, shall upon due Conviction thereof, before any Assistant, or Justice of the Peace of such Town, where such Offence shall be committed; Forfeit all such Wood so Exposed to Sale; the one half to the Informer, and the other half to and for the Use of such Town; to be taken by a Warrant of Distress, to be Granted by such Assistant or Justice, to whom Complaint shall be made.

An

AN ACT, for Preventing the misapplying of the Rates and Taxes, that shall be hereafter Assessed and Levied in this Colony.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That all Rates and Taxes, that shall be Assessed and Levied in this Colony for the future, shall be applied to no other Use or Uses whatsoever, then those for which the same shall be Assessed and Levied: Any Custom or Usage to the contrary hereof notwithstanding. *No Rates to be misapplied.*

AN ACT, for Building A Goal in the Town of Providence.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That there shall be a Goal Erected and Built in the Town of Providence, for the securing such Criminals and Prisoners for Debt, as shall be by lawful Anthority Committed thereto, and that the Sheriff of this Colony for the time being, and in his absence, the Town Sergeant of said Town for the time being, shall have the Care and Custody of the same. *A Goal to be Built in the Town of Providence.*

# L A W S

Made and Past by the General Assembly of His Majesties Colony of Rhode-Island, and Providence-Plantations, &c. Held at Newport, the Thirtieth Day of April, 1700.

AN ACT, for putting in Force the Laws of England in all Cases, where no Particular Law of this Colony hath Provided a Remedy.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That in all Actions, Matters, Causes and things whatsoever, where no Particular Law of this Colony is made to Decide and Determine the same; that then and in all such Cases the Laws of England shall be put in Force to Issue, Determine and Decide the same. Any Usage, Custom or Law to the contrary hereof notwithstanding.



AN ACT, for the Enabling the Governour of this Colony,  
to put in Execution the Statute of Trade and Navigation.

*All Vessels  
that Arrive  
in this Go-  
vernment, to  
make their  
Report to the  
Governour,  
&c.*

**B**E it Enacted by the General Assembly, and by the Authority of the same, That from and after the Publication of this Act, no Master of any Ship or Vessel, that shall come into any Bay, River or Port within the Precincts of this Colony, shall, or do presume to Land, Unlade and put on Shore, any Wares, Goods or Merchandizes, before he hath made Report thereof to the Governour, or in his absence, to the Deputy Governour; and have lawfully Entered the same in the Collectors Office; under the Penalty made and Enacted by the Parliament of *England*, in the Fifteenth year of King *Charles* the Second, for preventing of frauds, and Regulating abuses in the Plantations.

*None to Land  
any Passenger  
without leave.* And be it further Enacted by the Authority aforesaid, That if any Master or Commander of any Ship or Vessel, shall Land, or put on Shore, in this Colony, any Person, or Passengers, that shall not be admitted or Received to Inhabit in this Colony; that then and in such Cases, it shall and may be in the power of any Assistant or Justice of Peace, &c. of such Town, where such Passenger, &c. shall be Landed, To Require and Command such Master or Commander, to take on board his Ship or Vessel, such Passenger or Passengers, as have been by him Landed, and him, he, she or them so taken on Board, to Transport and Carry out of this Colony; and if any Master or Commander of any Ship or other Vessel, shall refuse or neglect so to do, that then it shall and may be lawful for any Assistant or Justice of the Peace, &c. to Grant forth a Warrant, for the Apprehending of such Master or Commander, and him Commit to his Majesties Goal in this Colony, until that he give in one Hundred Pound Bond, with Security to perform the same.

AN ACT, for Preventing of Clandestine Transportations of any  
Person or Persons out of this Colony.

**W**HEREAS divers Masters of Ships, and other Vessels, do from time to time Transport and Carry away out of this Colony, many Persons who are Indebted to several Inhabitants of this Colony, without giving any Account of the Names of such Persons by them so Carried; which is a manifest Injury to the Creditors of such Persons, and some of them are hereby undone; for the preventing whereof for the future,

*None to be  
Transported  
out of the Co-  
lony, without  
a Certificate,  
under the Pe-  
nalty of Fifty  
Pounds.*

**B**E it Enacted by the General Assembly, and by the Authority of the same, That no Master or Commander of any Ship or Vessel whatsoever, shall Transport or Carry out of this Colony, any Family, or Person or Persons, that have not for the space of ten Days before their Departure, fix'd up his, her or their Name or Names in Writing, in some Publick Place of the Town wherein they Reside, and of their intent to Depart the Colony; and that the same be Certified under the Hand of an Assistant, or Justice of said Town

Town, under the Penalty of Forfeiting, to and for the Use of the Colony, *Fifty Pounds*, in Money, to be Recovered by the General Treasurer, upon due Conviction thereof, in the General Court of Trials.

*And be it Enacted by the Authority aforesaid, That the Assistant, or Justice, &c. that shall give such Certificate as aforesaid, shall Transmit a Copy thereof, to the Naval Officer in Newport, who shall keep a fair Register thereof, and of the Time of Departure, and of the Masters and Vessels name wherein Transported; and shall be paid Twelve-pence for the same, by the Person or Persons desiring to be Transported.*

# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, &c. Held at *Warwick*, the Twenty Ninth Day of *October*, 1701.

**A N A C T**, in Addition to an Act, for Preventing of Clandestine Marriages: And also for the Registering of Marriages, Births and Burials.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That all Persons in this Colony, that are Desirous to be joyn'd together in Marriage, shall make their Application to an Assistant or Justice of the Peace in the Town, where such Persons respectively Dwell, who shall give them a Writing under his Hand and Seal, Declaring their Intention of Marriage, the which shall be set up in some Publick Place of the Town, wherein such Persons respectively Dwell, for the space of fourteen Days; and that if any Person shall have any lawful Objection to make against any Persons so Published, being Married; He or She shall, and may by leave of any Assistant, or Justice, &c. of such Town, underwrite such Publication, He or She first giving to such Assistant, Sufficient Bond to Refund all Damages that shall accrue thereon.

*None to be Married without due Publication.*  
*Publications may be underwrit*

*And it is further Enacted, by the Authority aforesaid, That all persons that shall go to be Married in another Town then which they were Published, shall produce to the Officer to whom they apply themselves to be Married, a Certificate of their being duly Published as aforesaid; and that if any persons shall come into any Town of this Colony to be Married from any other Government, shall produce a Certificate under the Hand of the Authority lawfully Impowered thereto, of such Government where they respectively Dwell, that they have duly Complied with such Laws and Orders as are in such Government in force for Publication.*



*The Officer  
that shall  
Marry any  
Persons not  
duly Published,  
shall for the  
first Offence  
forfeit Five  
Pounds, and  
for the second,  
Ten Pounds,  
and to be  
Suspended.*

*And the Per-  
sons Married  
shall forfeit  
Five Pounds,  
&c.*

*And be it further Enacted,* That if any Assistant, Justice of the Peace, or Warden in this Colony, shall presume to Joyn together in Marriage any persons that have not been Published as aforesaid, or any person whose Publication hath been lawfully under-written, and the Impediment not removed; such Officer so Offending, shall for the first Offence Forfeit *Five Pounds* in Money, to the Use of the Colony; and for the Second Offence, *Ten Pounds* in Money, to and for the Use aforesaid, to be recovered by the General Treasurer, in the General Court of Tryals, upon due Conviction thereof, and for the same shall be Suspended from his Office.

*And be it further Enacted by the Authority aforesaid,* That whosoever shall presume to be Married without duly proceeding as by this Act is required, and thereupon shall Cohabit together; the persons so Offending, being duly Convicted thereof, shall for such Offence, Forfeit *Five Pounds* in Money, to and for the Use of the Colony, and shall be recovered by the General Treasurer, upon Conviction thereof, in the General Court of Tryals, or shall suffer Three Months Imprisonment, or be Corporally Punished by Whipping, at the Discretion of the Judges of said Court, not exceeding Thirty Nine Stripes each.

*And be it further Enacted, by the Authority aforesaid,* That the abovesaid Act shall be no ways construed, deemed or taken to extend to any persons that shall be lawfully Married according to the Laws, Customs, Usage and Ceremony of the Church of England, as by Law Etablithed; nor to those people called *Quakers*, that shall duly be Married according to the Act of Toleration allowed them.

*And be it further Enacted,* That all Marriages shall be Recorded in the Town where they are Consummated, and the Assistant, Justice or Warden, shall return the Names of those they Marry, and when Married, into the Town Clerk within Three Months after the Consummation thereof; and shall Pay to the Town Clerk, *Three-pence* for the Registering thereof; and he shall be paid *Three Shilings* for the same.

*All Births  
and Burials  
to be Record-  
ed within  
two Months  
time, on the  
penalty of  
Twelve-  
Pence per  
Month, for  
every Months  
neglect after.*

*And be it further Enacted by the Authority aforesaid,* That all Births and Burials of all Children shall be Registred in the Town Clerks Office in the same Town where they happen to be Born or Dye, by the Parents of such Children as shall be Born or Dye, as aforesaid, within Two Months Time after the Birth or Burial thereof; for Registering of each, the Town Clerk shall be paid *Four-pence*, by the Parent of such Child or Children; and that whosoever shall Refuse or Neglect so to do, shall for every Months Neglect after said Two Months is Expired, Forfeit *Twelve-pence per Month*, to and for the Use of such Town; to be recovered upon Conviction thereof, in any Court of Record, by the Treasurer of said Town.

# L A W S

Made and Past by the General Assembly of this Her Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, &c. Held at *Newport*, the Sixth Day of *May*, 1702.

AN ACT, for Preventing the Inhabitants of this Colony, from Concealing or Harboursing Vagrants, Runaways, &c.

**W**HEREAS divers Deserters from Her Majesties Service, as Vagrant and Runaway Persons, often-times come into this Colony, and are frequently Entertained by the Inhabitants of this Colony, without the Knowledge of the Authority in the same.

For the Preventing whereof for the Future,

**B**E it Enacted by the General Assembly, and by the Authority No Inhabitant to Entertain De- serters, &c. On the Pen- alty of Five Pounds. of the same, That if any Person or Persons Inhabiting within this Colony, shall Entertain, Harbour or Conceal any Stranger not being a Known Inhabitant of this Colony, above the space of one Week, without Informing some one or more of the Assistants or Justices of such Town thereof; the person or persons Offending therein, being duly Convicted hereof, shall Forfeit *Five Pounds* in Money, to and for the Use of the Town where such Offender Dwells, to be recovered by the Town Treasurer of such Town, together with the Incident Costs accruing in the General Court of Tryals; and if such Offender have not Sufficient Estate to Pay the same, hat then it shall and may be in the Power of the Judges of said Court, to punish such Offender by Whipping, at their Discretion, not Exceeding Thirty Nine Stripes.

AN Act, for Establishing and Regulating the Assessing and Collecting such Rates and Taxes as shall at any time hereafter be Assessed and Levied on the Colony, and all such Rates as shall be Assessed on the Several Towns in the same.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That from time to time, and at all Times hereafter, as often as the General Assembly of this Colony shall Order and Enact any Rates to be Assessed & Levied on the Inhabitants of this Colony, the Recorder of the Colony for the time being, shall forthwith send a Copy thereof under the Seal



the Colony, to the General Treasurer for the time being, who upon the Receipt thereof shall send an Exact List of each Towns part to the Town Clerk of each Respective Town, together with a Warrant to each and every of them, requiring them to Notify the Rate-makers or Assessors of each Respective Town; to Assess and Apportion the same, on the Inhabitants of said Town, according to the time specified in said A& of Assembly; and the Assessors or Rate-makers of each Town, or the Major part of them, shall Ten Days before they Assess or Apportion the same, set up two Notifications under their Hands, Requiring the Inhabitants of their Town, to bring into them in Writing under their Hands, an Exact List of their Rateable Estate, by such time as is therein prefixed; who are hereby required to give their Engagements thereto; and the Assessors or Rate-makers are hereby fully Impowred to take the same, in the following Engagement.

*The Recorder to send a Copy of the A& requiring Rates to be made to the General Treasurer. Who is to order the Assessors to Assess the same. Persons to give in an Account of their Rateable Estate, upon Engagement. The Form of the Engagement.*

**Y**OU A. B. do on your Solemn Engagement, hereby Declare, that the Account and List of your Rateable Estate, by you to us presented, is a True and Just Account of the whole of your Rateable Estate, as you know of, and is in your care and custody, and this you Declare to be the Truth, and nothing but the Truth, upon the Pril of the Penalty of Perjury.

And be it further Enacted, That whosoever shall Refuse or Neglect so. to do, in case he be over-rated, shall have no remedy for the same.

*The Assessors to send the Rate Bill to the Town Clerk. And he a Copy to the Treasurer, who is to grant forth his Warrants for the Collecting thereof.*

AND be it further Enacted by the Authority aforesaid, That the aforesaid Assessors or Rate-makers, shall forthwith upon their Assessing and Apportioning of any Rate or Tax, to them committed to Assess, send and return a true Bill or List thereof to the Town Clerk of such Town, to which they respectively belong, under their Hands; and the Town Clerk shall upon his receiving thereof, draw an Exact Copy thereof, and send the same to the General Treasurer under his Hand Indented, and upon Receipt thereof, the General Treasurer shall Issue forth his Warrants, to the several Constables of the Respective Towns, Commanding every of them in Her Majesties Name to Collect and Gather the several Sums, as to them is severally Committed in Money, by such time as by Law is Required; and when Gathered and Collected, the same to bring, and pay into him, or to his Successors in said Office.

*Upon neglect of Collecting, how recovered.*

AND be it further Enacted, That if any Constable or Constables, shall refuse or neglect to do the same as aforesaid; that then and in such Cases, the General Treasurer shall recover the Sum against such Constable or Constables, as shall be defective therein, by Action of Debt, at the General Court of Tryals, to be brought at any time before the sitting of such Court, together with the incident charges accruing; and the Defendant or Defendants, shall have no Essoign, Protection or Wager of Law allowed him or them. Any Law, Custom or Usage, to the contrary hereof notwithstanding.

AND the General Treasurer, shall be allowed him Six-pence per Pound, for Receiving and Paying out the same; And Assessors or Rate-makers shall be Paid Shillings each, for Apportioning thereof, and the Town Clerk for Copying the Rate Bill, according as for other Copies; and the Constables Fess for Collecting, shall have Twelve-pence per Pound, all the said

*Fees for the Treasurer, &c.*



said Fees to be paid out of each Respective Rate, as it shall be paid into the General Treasury.

And be it further Enacted by the Authority aforesaid, That the Town Clerk of each Respective Town, shall within Ten Days after the Election and Engagement of the Constables of the Town wherein he dwells, send a List of the Constables so Chosen and Engaged, unto the General Treasurer of the Colony for the time being; and that if any Town Clerk shall Neglect the same, he shall Forfeit Forty-Shillings for every Offence, to and for the Use of the Colony, to be Recovered by the General Treasurer for the time being, upon Complaint made before any Court of Record in the Colony.

*The Town Clerk to return the Constables Names to the General Treasurer.*

And be it further Enacted by the Authority aforesaid, That all Town Rates, that shall be Levied on any Town in the Colony, shall be Assessed and Collected in the same manner and form as the Colony Taxes are, and the Town Treasurer shall have an Action of Debt against any Delinquent, Constable, or Constables, as the General Treasurer hath; wherein no Effoign, Protection or Wager of Law shall be allowed the Defendant.

*Towns Rates to be Assessed and Collected, as the Colony Rates are.*

# L A W S

Made and Past by the General Assembly of Her Majesties Colony of Rhode-Island, and Providence-Plantations, &c. Held at Newport, the Fourth Day of January, 1704.

## AN ACT, for Levyng of a Duty on Tunage of Shipping.

**W**HEREAS the Colony, hath been at a great Charge to Build and Erect a Fort on Fort-Island, for the Security of the Shipping and Navagation of the Colony.

For the better keeping the same in Repair,

**B**E it Enacted by the General Assembly, and by the Authority of the same, That there shall be paid by the Master of every Ship or other Vessel, Twelve of above Ten Tons, coming into any Port or Ports in this Colony to Pence per Trade or Traffick, which are not wholly Owned by the Inhabitants of this Colony; every Voyage such Ship or Vessel doth make, Twelve-pence per Ton, or one Pound of good New Gun Powder, for every Ton such Ship or Vessel is in Burthen by Register; to be paid to the Naval Officer of the Town of Newport, to be Employed to and for the use of the Fort on Fort-Island.

*Ton Duty on Foreign Shipping.*

PROVIDED always, and it is the true intent and meaning hereof, that this Act shall not extend to make any Master or other Vessel, Pay Twelve-pence per Ton or one Pound of Gun Powder for any greater part of said Ship or Vessel, than what shall not be owned by any Inhabitant of this Colony.

And be it further Enacted by the Authority aforesaid. That no Master of



any Ship or Vessel, shall Sail from out of the Harbour of *Newport*, without first producing to the Gunner of said Fort, a Certificate, from under the Hand of the Governour, or Deputy Governour, that he hath complied with such Orders and Laws, as he is Required to ; whereupon the Gunner of said Fort, shall suffer the Master of such Ship or Vessel to depart ; and that if any Master of any Ship or Vessel, shall presume to Sail or Pass by the Fort, without proceeding as aforesaid, that then and in such Cases the Gunner, shall Use his utmost Endeavour to stop such Ship or Vessel, pursuant to such Instructions, as he shall receive from the Governour, for the doing of the same ; who is fully Impowered to Grant such Orders as shall be necessary there for ; and that if any Ship or Vessel, shall be Damned, Sunk or Destroyed thereby, the Master of such Ship or Vessel, shall make good all Damages that shall be Sustained thereby.

AN ACT Prohibiting Negroes and Indians from being abroad at unseasonable times of the Night, and for Punishing those that shall Entertain them contrary hereto.

**W**HEREAS divers Thefts and Robberies have been Committed in the Night time by Negroes and Indians, within this as well as in the Governments adjoining ; For preventing whereof,

No Negroes  
or Indians to  
be abroad af-  
ter Nine at  
Night.

On the Pe-  
nalty of  
Whipping.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That if any Negroes or Indians, Freemen or Slaves, shall be found Abroad after Nine a Clock at Night, at any time throughout the Year, without a Certificate from their Masters, or some other English Person of the Family to the which he, she, or they belong, or some lawful Excuse for the same ; that then it shall and may be lawful for any Person or Persons to Take, Seiz and Secure the same till next Morning, and then bring them before an Assistant, or Justice of the Peace of such Town, who shall upon due proof thereof, cause said Negro or Negroes, Indian or Indians, to be Publicly Whipt at the Publick Whipping Post of such Town where such Offence shall be Committed, not exceeding fifteen Stripes, unless their incorrigible behaviour deserve more ; and the Persons so Convicted if Freemen, shall pay the Charge of Prosecution, &c. and if Slaves, the Owner or Owners thereof, shall pay the same ; and if the Owner or Owners of any such Slave or Slaves shall refuse so to do, that then the Assistant, or Justice, &c. shall Grant forth a Warrant of Distress to a Constable of said Town, to Distrain so much of his or their Goods, as will satisfy and pay the same.

No House-  
Keeper to  
Entertain any  
Indians or  
Negroes.  
On the Penal-  
ty of Five  
Shillings.

And be it further Enacted by the Authority aforesaid, That no House-keeper shall Entertain any Slave or Servants, either Indian or Negroes, after Nine a Clock at Night, as aforesaid, without the Owner of said Slave or Servants leave ; and whosoever shall be Convicted of such Offence, before any Assistant, or Justice of the Peace, &c. shall for every such Offence, forfeit Five Shillings, in Money, to and for the use of the Town where such Offence shall be Committed ; and if the person offended, shall refuse to pay the same, it shall be recovered by the Town Treasurer of such Town, upon due proof thereof before any Assistant or Justice of the Peace in manner as aforesaid.

# L A W S

Made and Past by the General Assembly of Her Majesties  
Colony of *Rhode-Island*, and *Providence-Plantations*, &c. Held  
at *Providence*, the Twenty Fifth Day of October, 1704.

AN ACT Preventing of Damage to be done, by Firing of  
the Woods in any Town in the Colony.

**W**HEREAS great Damage has been done to several of the Inhabitants of  
this Colony, by their Hay, Fencing, &c. by Firing of the Woods, at un-  
seasonable Times of the Year.

For the Preventing Whereof,

**B**E it Enacted by the General Assembly, and by the Authority of the same,  
That no Person whatsoever, shall set any Fires, or cause any Fires to  
be set in the Woods, in any part of this Colony, on any time of the  
Year, save between the Tenth of *March*, and the Tenth of *May*, Annually;  
nor on the First or Seventh Day of any Week, during said time, under  
any pretence whatsoever; and that whosoever shall be lawfully Convicted of  
doing the same, before any two Assistants, or Justices of the Peace, &c. of  
such Town where such Offence shall be Committed, either by their own  
Confession, or by the Evidence of Two Witnesses upon Engagement; shall  
Forfeit *Thirty Shillings* in Money, to and for the Use of such Town; and if  
the Person or Persons so Convicted, refuse to Pay the same, that then such  
Assistants, or Justices, &c. shall Grant forth a Warrant of Distress, to any  
Constable of said Town, to Distrain so much of the Offenders Goods and  
Chattels, as shall Satisfy and Pay the same, to the Use aforesaid; and all  
Incident Charges thereon Accruing.

*None to be  
Woods, but  
between the  
Tenth of  
March, and  
the Tenth of  
May.  
On the penul-  
ty of Thirty  
Shillings.*

AND that whosoever shall suffer any Damages by reason of such Offence as  
aforesaid, shall have an Action of *Trespas* upon the Case, against such  
Offender or Offenders, and shall Recover his Damages and Costs accordingly;  
if under *Forty Shillings*, before any Two Assistants or Justices of such Town  
where such Offence shall be Committed, and if above *Forty Shillings*, in the  
General Court of Tryals.

*And the Par-  
ty aggrieved  
thereby, shall  
recover his  
damages.*

R

AN



## AN ACT for the Preservation of Deer, within this Colony.

**W**HEREAS many Persons Yearly, Kill and Destroy Deer at unseasonable times, when the Skins and Flesh are of little or no Value, which may be of great Prejudice to the Colony, and hinder their Increase.

For the Preventing whereof for the Future,

None to kill  
Deer but be-  
tween the  
first of Janua-  
ry, and the  
last of June.  
On the penal-  
ty of Twen-  
ty Shillings.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That no Person or Persons whatsoever within this Colony, shall from and after the First Day of January in this present Year, unto the last Day of June, in the Year One Thousand Seven Hundred and Five, and between the said First of January, and the last of June, Annually for ever hereafter, Kill and Destroy any Deer or Fawn, on the Penalty of Fofeiting Twenty Shillings for every Deer or Fawn so Killed, upon Conviction thereof before any Assistant, or Justice of the Peace, &c. of such Town where such Offence shall be Committed, the one Half to the Informer, and the other Moiety to and for the Use of the Town, to be Levied by a Warrant of Distress, from such Assistant or Justice, Directed to a Constable of said Town.

## L A W S

Made and Past by the General Assembly of Her Majesties Colony of Rhode-Island, and Providence-Plantations, &c. Held at Newport, the Second Day of May, 1705.

AN ACT for securing of Costs to the Inhabitants and Residents of and in this Colony, that shall be Arrested by any Person that are not Inhabitants and Freeholders in the same.

No Inhabi-  
tant of this  
Colony to be  
Arrested, but  
by a Freehol-  
der of the  
same.  
Unless the  
Plaintiff give  
Bond.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That no Person or Persons whatsoever, that is not an Inhabitant and Freeholder in this Colony, shall have out of the Recorders Office, any Writ of Arrest, or Summons, against any Person or Persons Inhabiting or Residing in the same, without first giving in Bond in the Recorders Office, of Twenty Pounds, with Security for to Refund all Costs that shall Accrue thereon, upon non prosecution of such Suit, or if such Action shall be Non-Suit, or cast upon Tryal: Any Law or Custom to the contrary hereof notwithstanding.

AN

AN ACT, Establishing a Notary Publick, within this Colony.

**B**E it Enacted by the General Assembly, and by the Authority of the same, Recorder to be Notary Publick. That the General Recorder of the Colony for the time being, shall be be Notary Publick. of this Colony; and he is hereby fully Impowered and Publick. Authorized, to Act, Transact, Do and Finish, all and whatsoever Matters, Fees for the same. Causes or things; Relating to Drawing of Protests, or Protesting Bills, &c. as are by Law Required, and that he shall be Engaged thereto, for the which he shall take the following Fees, and no more.

	<i>l</i>	<i>s</i>	<i>d</i>
<b>T</b> O Swearing to Protest.	50	03	00
To Drawing Ditto.	00	03	00
To Sealing Ditto.	00	03	00
To Registring Ditto in the Office	00	03	00
To Copy Ditto.	00	03	00

# L A W S

Made and past by the General Assembly of Her Majesties Colony of *Rhode-Island* and *Providence-Plantations*. Held at *Providence*, the Thirtieth Day of *October*, 1706.

AN ACT for Extending *East-Greenwich* Township West, to the Colony West Line.

**W**HEREAS The Township of *East-Greenwich* is very small, and there is a Tract of Land Lying West of said Township, very Commodious to Enlarge the same.

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That the North and South Bound of *East-Greenwich* Township, being Run due West, from the South West and North West corners of said Township, to the Colony Line, and all the Land therein included, shall be, and is hereby Annexed, to be part of the Township of *East-Greenwich*, and the Inhabitants that are already settled thereon, or that shall hereafter settle thereon, shall have the same Liberties and Priviledges, as the other Inhabitants of *East-Greenwich* have and Enjoy.



# L A V V S

Made and Past by the General Assembly of Her Majesties Colony of *Rhode-Island*, and *Providence-Plantations*. Held at *Newport*, the Twenty Fifth Day of *February*, 1706.

AN ACT for Regulating of Tanners, Curriers and Cordwainers.

FOR PREVENTING of Deceits and Abuses by Tanners, Curriers, Shoemakers, and Workers up of Leather.

*All Tann'd  
Leather to  
be Sealed  
before Sold.*

**B**E it Enacted by the General Assembly of Her Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, and by the Authority of the same, That no Person or Persons whatsoever, Using, or which shall Use the Mystery or Faculty of Tanning, shall at any time or times hereafter, put to Sale any kind of Leather, which shall be Insufficiently Tanned, or which hath been over Limed or burnt in the Limes, or which shall not have been after the Tanning thereof, well and thoroughly Dried, or that shall not be Sealed, as in and by this Act is hereafter Directed; upon pain of Forfeiting the whole Side or Peice of Leather so offered to Sale; and no Person or Persons whatsoever, Using, or that shall hereafter Use the Mystery or Faculty of Tanning, shall set his or any of their Fatts in Tann-hills, or other places where the Wooze or Leather is put to Tan in the same, shall or may take any unkind Heats, nor shall put any Leather into any Hot or Warm Wooze whatsoever; on pain of Forfeiting *Twenty Pounds*, for every such Offence.

*No Currier  
to work un-  
seal'd Lea-  
ther, or un-  
dried.*

*How Lea-  
ther should  
be Curried.*

AND be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, Using, or Occupying, or that shall hereafter Use or Occupy the Mystery or Faculty of Currying, may, or shall Curry any kind of Leather, except it be Sealed as is hereafter Provided; nor shall Curry any Hides, not being thoroughly dried after his wet season, in which wet season, he shall not Use any stale Urine, or any other deceitful, subtile Mixture of any thing, way or means to Corrupt or Hurt the same; or shall Curry any Leather Wet for outer Sole Leather, without any other thing then Hard Tallow, nor with any less of that then the Leather will receive, nor shall Curry any kind of Leather, meet for upper Leather, and Inward Soles, but with good and sufficient Stuff, being Fresh not Salt, and thoroughly Liquor'd, till it will receive no more; nor shall burn or scald any Hide or Leather in the Currying, but shall work the same sufficiently in all respects and points, on Pain of Forfeiting for every such offence or Act done, contrary to the true intent and meaning hereof, every such Hide marr'd or hurt by his evil Workmanship or Handling.

And

*And be it further Enacted by the Authority aforesaid, That no Person or Persons, Using, or shall hereafter Use or Occupy the Mystery or Faculty of a Shoemaker or Cordwainer, shall work up into Shoes, or other Wares, any Leather that is not Tanned and Curried as aforesaid, or shall Use any Leather made of Horse hides for inner Soles, of any Shoes or Boots, on Pain of Forfeiting of all such Boots, Shoes or other Wares, wrought up of such Insufficient Leather*

*No Cordwain-  
er to work up  
any Leather  
Tann'd, &c.  
as aforesaid.  
On the penali-  
ty of forfeit-  
ing the same.*

And for the more Effectual Execution of said Act.

*AND be it further Enacted by the Authority aforesaid, That all* Leather that is or shall be Tanned or Curried, shall before the same pass out of the Tanners or Curriers Yards, Houses, or Places Respectively where it was wrought, be Viewed by Sworn Searchers or Sealers of Leather, by Law directed; to be Annually Chosen in such Towns where there shall be need, who shall have two several Marks or Seals, to be procured by each Town for that purpose, with one of which they shall Seal all such Leather, as they shall find sufficiently Tanned in all respects as aforesaid, and with the other all such Leather as they shall find well and sufficiently Curried, as is before mentioned, and no other.

*All Leather  
before work'd  
to be Seal'd.*

AND the Shearchers and Sealers, shall and are hereby Authoriz'd and Im- power'd, *ex Officio*, to make Search, and View in all respective Places or Houses, Shops, Ware-houses, or other places, within the Limits of their respective Precincts, where they conceive any Leather to be wrought into Shoes, Boots or other Wares, or any Leather offered to be Sold, or offered to be Searched or Sealed, and shall not be Tanned as aforesaid, and well Curried according to the aforesaid Act, and the true intent and meaning thereof, or shall find any Leather in whole Sides, out of the Possession of the Currier, not Sealed with the Mark or Seal to be Used for Leather well Tanned or well Curried; in all such Cases, it shall and may be lawful, for the Searchers and Sealers, to Seize all such Leather Insufficient or Unsealed, whether it be wrought up into Wares or not; and if the owner or challenger thereof, shall not submit to the Judgment of the Officer or Officers that Seiz'd the same, such Officer or Officers shall retain such Leather in his or their custody, till Tryal thereof be had, as is hereafter directed, and Judgment thereon.

*All whole  
Sides out of  
the Curriers  
possession, un-  
seal'd to be  
Seiz'd.*

IN such Cases the Officer or Officers, shall within four Days after said Seizure, Inform some Justice of the Peace in said Town thereof, who shall thereupon appoint four Persons, or more honest skilful Men in Leather, to View the same in the owner or claimers of such Leather's presence, or without him (if having notice thereof he doth not appear) to report to any Justice, the defect which they find in said Leather, which Report the said Justice shall return unto the next General Court of Tryals for the said Colony, for a Conviction in Law on the Fine Imposed; but in Case the Viewers shall Report that they do not find such Leather or Wares so Seized in any respects defective, according to the intent of this Act, the Justice that appointed such Viewers, shall cause the same forthwith to be discharged from the Seizure, made by such Officer or Officers.

*How to pro-  
ceed with  
Leather  
Seiz'd.*

*And be it further Enacted by the Authority aforesaid, That no Person whatso-  
ever, shall or may withstand or resist the Searchers and Sealers in the  
Execution of their Office, nor in the Searching for any Insufficient Leather or*

*None to resist  
the Searchers  
& Sealers.  
On the penali-  
ty of Five  
Pounds.*



Wares, upon the Forfeiture of *Five Pounds* for every such Offence.

*Fees for Sealing and Searching.* AND the Fee for Searching and Sealing of Leather, shall be *One-penny per Hide*, for any parcel less then Six Hides, and for all other Parcels, if by the Dozen, then *Eight-pence*, which Fees the Tanner or Currier shall Pay on the Sealing thereof from time to time, and shall also pay *Three-pence per Mile*, for every Mile any Searcher or Sealer shall Travel above on Mile.

*No Searcher or Sealer to refuse his Duty on the penalty of Forty Shillings..* AND no Searcher or Sealer of Leather, shall refuse within convenient time to do his Office, nor shall allow any Leather or Wares which are not sufficient, on the Penalty of forfeiting *Forty Shillings*, nor shall take any Bribe, nor exact more than his Fees, on pain of Forfeiting the Sum of *Ten Pounds*, for every such Offence.

*How the Fines shall be disposed of.* AND be it further Enacted by the Authority aforesaid, That all such Fines, Forfeitures and Penalties, as shall arise or grow due by virtue of this Act, or any Clause therein contained, shall be disposed of in manner following, viz. two third parts thereof, to be paid into the Town Treasury, to and for the Use of said Town, where the Offence shall be committed; and the other third to the Seizer or Seizers of such insufficient Leather, or to him or them as shall Inform and Sue for the same; to be recovered by Action, Bill, Plaint, or Information, in any General Court of Tryals within the Colony, or before any two Justices of the Peace, when the matter doth not exceed *Forty Shillings*.

And be it further Enacted by the Authority aforesaid, That when and as often as any Leather shall be Seiz'd in the Hands of either Tanner or Currier, and become forfeited by virtue of this Act, through their default, and if belonging to any particular person, the Tanner or Currier shall be liable to make satisfaction to the Owner thereof for the same; to be recovered in any General Court of Tryals, or before any two Justices of the Peace, if the value do not exceed *Forty Shillings*.

AND for the ascertaining of which value, the persons to be appointed as aforesaid, for viewing the defects in Leather, (shall when the same is Seiz'd, for being marr'd and spoyl'd by the Currier or Tanner) through his ill Workmanship or handling, be also appointed to Estimate and judge the value thereof, and make Report of the same, together with the Defects.

*Each Town to Chuse Searchers and Sealers of Leather.*

And be it further Enacted by the Authority aforesaid, That each Town in the Colony, shall at their Town Elections, Annually Chuse two Sealers and Searchers of Leather, who shall take their Engagement to the performance of their Office, as other Town Officers do.

An ACT, Stating the due Affize of Bread.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That henceforth every Baker, shall have a distinct Mark for his Bread, that he shall Bake and Sell, which he shall Stamp thereon, and shall keep the due Affize hereafter Expressed, on all sorts of Loaf-Bread that he shall Bake, to Weigh by Averdupoize-Weight, as is hereafter mentioned, according to the several Prices of Wheat by the Bushel, as is hereafter set down.

Every Baker to stamp his Bread with a distinct mark, and to Sell according to the Rates hereafter mentioned.

The Price of Wheat.		Of Penny White Loaf.		Of Penny Wheaten.		Of Penny Household.	
s.	d.	oz.	dr.	oz.	dr.	oz.	dr.
At 3	0	11	4	17	2	23	00
3	6	10	2	15	3	20	04
4	9	02	0	13	7	18	20
4	6	03	3	12	5	16	04
5	7	00	5	11	4	15	03
5	6	07	1	10	5	14	02
6	0	06	4	09	7	13	01
6	6	06	0	09	0	12	00
7	0	05	6	08	5	11	04
7	6	05	2	08	1	10	04
8	5	07	0	04	4	10	00
8	6	04	6	07	1	09	04
9	0	04	4	06	6	09	00

And so proportionably, under the penalty of Forfeiting all such Bread, as shall not be of several Affizes, as is afore-mentioned; to the Use of the Poor of such Town where such Seizure shall be made, and otherwise as is hereafter mentioned.

And be it further Enacted by the Authority aforesaid, That the Town-Council of each respective Town in the Colony, where Bread is Baked for Sale, shall once a Month, Enquire, State and Record the middle Price of Wheat, and cause the same to be made known, by setting of it up in some Publick Place of said Town; and the Bakers shall accordingly Regulate the Weight of their Bread, after the Affizes before-mentioned.

The Town Council to state the price of Wheat once a month.

And be it further Enacted by the Authority aforesaid, That in every Town in the Colony, where Bread is Baken for Sale, there shall be Chosen one Clerk of the Market, or more, as each Town shall find needful, at their Annual Election of Town Officers, who shall duly be Engaged, to the faithful performance of said Office, as other Town Officers are; and such Clerk or Clerks of the Market, shall once a Month, or oftner, as he shall see cause, enter into any Shop, or Place where Bread is Sold, or Baken for Sale, and weigh the same; and all such Bread as they shall find under the Affize afore-mentioned, or not marked, he or they shall make Seizure of, and two third parts thereof shall deliver unto the Town Treasury, to and for the use of said Town; and the Officer shall have the other third for his pains therein; and the Constable or Constables of such Town, are hereby Required, to aid and assist the Clerk or Clerks of the Market, in his or their Executing of his or their Office, when and so often as he or they shall be thereunto Required.

A Clerk of the Market to be Annually Chosen.

His Duty.



# L A W S

Made and Past by the General Assembly of Her Majesties Colony of Rhode-Island, and Providence-Plantations. Held at Newport, the Third Day of May, 1710.

**W**HEREAS this Colony, has Received Orders from Her Sacred Majesty, Queen ANNE, for an Expedition, to be Prosecuted with speed against the French and Indian Enemies, which by reason of the great Scarcity and want of Silver Money, this Colony without some extraordinary means be used for the effecting the same, would be unable to perform; For Remedy whereof, and the speedy procuring and Equipping out all things necessary for the same,

Five Thousand Pounds in Bills of Credit Impressed.

**B**E it therefore Enacted by the General Assembly of this Colony, and by the Authority of the same, That there be with all expedition, Printed to the value of Five Thousand Pounds in Bills of Credit on this Colony, as followeth, viz. One Thousand Pounds in Five Pound Bills, One Thousand Pound in Three Pound Bills, Five Hundred Pound in Forty Shilling Bills, Five Hundred Pounds in Twenty Shilling Bills, Five Hundred Pounds in Five Shilling Bills, Five Hundred Pounds in Two Shillings and Six-penny Bills, and Five Hundred Pounds in Two Shilling Bills; which Bills to be Printed as aforesaid, shall be in value equal to current Silver Money of New-England, in all Publick Payments, and shall have the Anchor and Hope affixed in the Scutcheon, with such other Impressions, as shall be thought needful by the Committee, in this Act hereafter Named, which shall be in the manner following.

The Form of the Bills.

**T**HIS Indented Bill of Due from the Colony of Rhode-Island, and Providence-Plantations, in New-England, to the Possessor thereof, shall be in equal value to Money, and shall be accordingly accepted by the Treasurer and Receivers, subordinate to him in all Publick Payments, and for any Stock at any time in the Treasury. Newport, August 16th. 1710. By Order of the General Assembly, for the Colony above-said.

The Committee to Sign the Bills. The Bills as current Coin, Specialties only excepted.

And be it further Enacted by the Authority aforesaid, That the aforesaid Bills of Publick Credit shall be Signed by Lieutenant Colonel John Wanton, Lieutenant John Odlin, Major Nathaniel Sheffield, Major Joseph Jencks, Mr. John Coggeshall, and Mr. Job Green, or by any three of them, who are hereby appointed and empowered to Sign the same, and deliver them unto the General Treasury; which Bills are, and shall be received and paid for the same value, and equal to the current Coin passed in this Colony, for Goods, or any other thing Bought or Sold in all Payments to be made whatsoever; Specialties only excepted, for and during the space and time of five years ensuing the Date hereof, if the General Assembly shall then see cause to Call them in; and when called in, the Possessor of such Bills

Bills shall be Reimburs'd the Sum mentioned in such Bill or Bills, in Current Money of said Colony, by the General Treasurer hereof; and the same shall be Levied and Collected by Act of Assembly, and duly Apportioned on the Inhabitants of each Town in the Colony.

# L A W S

Made and Past by the General Assembly of Her Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, &c. Held at *Providence*, the Twenty Fifth Day of *October*, 1710.

AN ACT, for Preventing Counterfeiting of the Bills of Credit Emitted, or that shall be Emitted by any of the Governments of *New-England*, and to prevent Dfaceing of the same, &c.

**B**E it Enacted by the General Assembly, and by the Authority of the same, *The Maker* That whosoever shall Forge, Counterfeit or Utter, any Bill or Bills, *or Passer of* ( knowing the same to be false and counterfeit ) of the Tenor, or in *Counterfeit* Imitation, of any of the Bills of Credit, Emitted by this Colony, the Province *Bills, &c.* of the *Massachusetts-Bay*, the Colony of *Connecticut*, or the Province of *New-Hampshire* by Law Established therein; or that shall Counsel, Advise or Procure *Shall be punished by* the same in any ways; by Forging, Counterfeiting, Imprinting or Signing any such *Whipping, Pillory, &c.* false Bills, or make or Ingrave any Plate or other Instrument for that purpose; *And the person aggrieved thereby shall recover double damages.* or that shall Alter or Increase any Figure or Sum in any Bills of Credit Emitted, or that shall be hereafter Emitted, by this or any other Governments as aforesaid, or that shall Forge or Counterfeit, any Name, Hand, Stamp or Mark, that now is or hereafter shall be made or set thereon; the Person or Persons so Offending therein, shall Suffer the Pains of having their Ears Cropt, being Whip'd or Fined at Discretion, and Imprisoned as the nature of the Offence Requires, by the Judges of such Court, where such Offence shall be Tryed, and shall pay double Damage, to the Person or Persons Deceived and Cheated by such False Bills; and in Case such Offender or Offenders, have not Estate sufficient to defray the charge of their Prosecution, Imprisonment, and double Damages as aforesaid; that then and in such Cases, the Offender or Offenders therein, shall be set to work or Sold for any term of Years, for satisfaction of the same, at the Discretion of the Judges of such Court, where such Offence shall be Tryed.

T

AN



AN ACT, for Impressing and Emitting one *Thousand Pounds* in Publick Bills of Credit on this Colony.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That there be forthwith Imprinted and Raised, one *Thousand Pounds* of Publick Bills of Credit on this Colony, in the same Manner and Form, that the Five *Thousand Pounds* of Credit formerly Emitted by this Colony were, and they shall be Signed by the same Committee, pass in all Payments whatsoever, as the other Bills aforesaid, already Emitted by this Colony do.

One Thou-  
sand Pounds  
Imprinted in  
Bills of Cre-  
dit.

L A W S

Made and past by the General Assembly of Her Majesties Colony of *Rhode-Island, & Providence-Plantations, &c.* Held at *Newport*, the Twenty Seventh Day of *November*, 1710.

**F**ORASMUCH as the Bills of Credit already Emitted by this Colony, are not sufficient to satisfy the Debts, Created by this Colony, in the late Expedition undertaken against *Annappolis-Royal*, in pursuance to Her Majesties Command, whereby many Persons are very great sufferers, and several like to be Ruined thereby, and there not being sufficient Silver in the Colony, to answer the same,

**B**E it therefore Enacted by the General Assembly, and by the Authority thereof, That there be forthwith Imprinted and Raised, One *Thousand Pounds* in Publick Bills of Credit on this Colony, and that they be Signed by the former Committee, and pass in all Publick Payments, as the former Bills of Credit do and have done,

One Thou-  
sand Pounds  
of Bills of  
Credit Im-  
printed.

L A V V S

Made and Past by the General Assembly of Her Majesties Colony of *Rhode-Island, and Providence-Plantations, &c.* Held at *Newport*, the Twenty Eighth Day of *June*, 1711.

AN ACT for Settling Costs at the General Courts of Tryals.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That whoever shall Recover the Last and Final Judgment of any Matter,

He that reco-  
vers the last

Matter, Cause or thing, that shall be Heard and Tryed, at the General Court of Tryals, shall Recover, Have and Receive all Costs that shall be Taxed, during the tending of any such Suit. Any former Custom or Usage to the Contrary hereof notwithstanding.

*Judgment. to recover all the Costs in said Case.*

AN ACT, for the raising of Six Thousand Pounds, in Bills of Credit.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That there be forthwith Imprinted and Railed, the Sum of Six Thousand Pounds of Publick Bills of Credit on this Colony, by the former Committee that Signed and Finished the former Bills. They are hereby fully Impowred to Make, Sign, and Finish the same, in the same Form as the former Bills were; which Bills when Signed and Finished, the said Committee shall deliver into the General Treasury, to and for the Use of this Colony; and shall pass in all Publick Payments as the Bills of Credit already Emittted by this Colony do.

*Six Thousand and Pounds Emittted in Bills of Credit by this Colony.*

# L A W S

Made and Past by the General Assembly of Her Majesties Colony of Rhode-Island and Providence-Plantations, &c. Held at Warwick, the Fourteenth Day of November, 1711.

AN ACT, for Imprinting and raising Three Hundred Pounds in Bills of Credit on the Colony.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That there be forthwith Imprinted and Railed, the Sum of Three Hundred Pounds of Bills of Credit on this Colony, in the same manner and form, as the former Bills of Credit were, the which Bills shall be Signed by the said Committee; and shall pass in payments, as the current Coin in this Colony doth, Specialties only Excepted.

*Three Hundred Pounds of Bills of Credit Emittted.*



# L A W S

Made and Past by the General Assembly of Her Majesties Colony of *Rhode-Island and Providence-Plantations*, &c. Held at *Newport*, the Twenty Seventh Day of *February*, 1711.

AN ACT for laying a Duty on Negro Slaves that shall be Imported into this Colony.

**W**HEREAS the bringing of Negroes into this Colony, discourages the Importing of White Servants herein, and may in time prove Prejudicial to the Inhabitants, if not timely discouraged.

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same. That every Master of any Ship or Vessel, Merchants or others, that shall Import or bring into this Colony, any Negro Slave or Slaves, of what age soever, shall enter their Number, Names and Sex, in the Naval Office ; and the Master shall insert the same in the Manifest of his Lading, and shall pay to the Naval Officer in *Newport*, Three Pounds per Head, to and for the Use of the Colony, for every Negro Slave, Male or Female, so Imported or brought in ; and if any Master or Merchant, shall refuse or neglect to pay the same, by the space of Ten Days, after such Slave or Slaves shall be Landed in this Colony ; that then the Naval Officer on knowledge thereof, shall Recover the same by Action of Debt, in the General Court of Tryals.

*All Negro Slaves Imported into the Colony, to be Entered in the Naval Office.*

*And pay Three Pounds each,*

And be it further Enacted, That if any Master of any Ship, or other Merchant or others, shall Refuse or Neglect to make Entry as aforesaid, of all Negroes Imported in such Ship or Vessel, or shall be Convicted of not Entering the full Number of such Slaves as shall be Imported ; He or They so Offending, shall Forfeit and Pay the Sum of Six Pounds per Head, for every one that he shall Refuse or Neglect to make Entry of ; one Moiety thereof, to and for the Use of the Colony, and the other Moiety to him or them that shall Inform and Sue for the same.

*Whosoever neglects the same, shall pay Six Pound per Head, for every one so omitted.*

And be it further Enacted by the Authority aforesaid, That whosoever shall bring into this Colony, any Negro Slave or Slaves from any of Her Majesties Governments adjoining, either by Water or Land, shall in like manner Enter their Number, Names and Sex in the abovesaid Office, under the like Penalty as abovesaid, to be Recovered as aforesaid : and shall Pay into the Naval Office, the like Sum of Three Pounds per Head, for every such Slave so brought in, within the time of Ten Days as above specified, and for default of Payment thereof, to be Recovered by the Naval Officer, in manner as aforesaid.

Pro-

PROVIDED always, that if any Person whoſoever is not Reſident in this Colony, and ſhall only paſs through the ſame with a Waiting Man or Men, &c. and ſhall not Reſide herein for above the ſpace of Six Months, then ſuch Waiting Man or Men, &c. ſhall be free from the aboveſaid Duty, ſuch Perſons giving their ſolemn Oath, that they are not for Sale.

*This Act not  
to Extend to  
Negroes Im-  
ported directly  
from Africa.*

AND it is further Provided, That no claue or claues in the aforeſaid Act, ſhall be Conſtrained, Deemed or taken to Extend, to any Maſter or Maſters of Ships or other Veſſels, that ſhall Import Negroes in this Colony, directly from the Coaſt of Africa.

### Fees for the Naval Officer.

Every Slave Imported, to be paid out of the Impoſt.  
Entering Manifeſt, to be paid by the Maſter.

l.	s.	d.	
00	05	00	Naval Officers
00	01	00	Fees for the ſame.

### An ACT, to Prevent the Spreading of Infectious Sickneſs.

WHEREAS Contagious Diſtempers have been ſeveral times brought into this Colony, by the Maſters of Ships, and other Veſſels, coming into the ſeveral Ports of this Colony, from Places that are Infected therewith.

For the Preventing whereof for the Future,

BE it Enacted by the General Aſſembly, and by the Authority of the ſame, That no Maſter or Commander of any Ship or other Veſſel, that ſhall come into any Port or Harbour of this Colony, and ſhall in their Paſſage hereto, have any Perſon or Perſons Sick on Ship-board, with the Small Pox, or any other Contagious Diſeaſe, or ſhall come from any other Port or Place where any Contagious Diſtemper is brief or prevalent, ſhall not bring to Anchor their Ship or Veſſel, in any of the Ports of this Government, within the diſtance of one Mile of any Publick Ferry, Pier or Landing-place; or if any Veſſel or Veſſels that are at Anchor therein, ſhall Land nor ſuffer any Perſon or Perſons, on Board ſuch Ship or Veſſel to be Landed, nor ſuffer any Perſons to come on Board ſuch Ship or Veſſel, without a Licence firſt had from the Governour of this Colony for the time being, if they ſhall Anchor in the Harbour of Newport, or in his Abſence from one or more Juſtices of Peace of ſaid Town, and if they ſhall Anchor in any other Harbour of this Colony, a Licence ſhall be firſt had and Obtained from ſome one or more Juſtices of the Peace of ſuch Town, under the Penalty of Forfeiting One Hundred Pounds, Good and lawful Money of this Colony, to and for the Uſe of the Colony, to be Recovered by the General Treafurer of the Colony, in the General Courts of Tryals of this Colony; by Bill, Complaint or Information, &c. and where the Offender or Offenders herein, ſhall have no Eſcort, Protection or Wager of Law allowed.

*No perſon ha-  
ving any ſick  
perſon on  
Board, or that  
come from any  
place Infected  
with any con-  
tagious Sick-  
neſs, to An-  
chor within  
one mile of any  
Landing-place.  
Without a  
Licence.  
On the penal-  
ty of One  
Hundred  
Pounds.*

AND be it further Enacted by the Authority aforeſaid, That if upon the Arrival of any ſuch Ship, or other Veſſel as aforeſaid, in any Harbour of this



*Whoſeever  
ſhall Land  
without Li-  
cence ſhall  
be ſent on  
Board again.  
And ſhall  
Forfeit  
Twenty  
Pounds.*

this Colony; as aforeſaid, any Paſſenger on Board, or any Mariner thereto belonging, ſhall and do come on Shore or Land from ſuch Veſſel, without a Licence firſt had and obtained as aforeſaid, that then, and in ſuch Caſes, it ſhall and may be lawful for any Juſtice of the Peace of ſuch Town, where ſuch perſon and perſons ſhall Land, to Require and Command, and ſend ſuch perſon and perſons ſo offending, on Board ſuch Veſſel again, or to Conſine them aſhore to any ſuch Place, as to him ſhall ſeem convenient, for to prevent the ſpreading of any Infection; and the perſon or perſons ſo offending, ſhall anſwer, ſatisfy and pay all Charges that ſhall ariſe thereon, and ſhall Forfeit *Twenty Pounds*, good and lawful Money of ſaid Colony, to and for the Uſe of the Colony, to be recovered as aforeſaid.

And if the Offender or Offenders have not Eſtate ſufficient to ſatisfy and pay the ſame; that they ſhall be ſet to Work, by the direction, and at the diſcretion of the Judges of ſuch Court where ſuch Cauſe ſhall be Tryed, until the ſame be fully ſatisfied and paid.

And for the better putting this Act in Execution.

*How the Na-  
val Officer is  
to proceed up-  
on Informati-  
on.*

*Be it Enacted by the Authority aforeſaid,* That the Naval Officer ſhall keep this Act publicly ſet up in his Office, for the view of all Matters of Ships, and other Veſſels that ſhall Enter with him; and the ſaid Naval Officer is hereby Impowered upon any Information unto him given of any Ship or Veſſel Arriving in this Harbour, that hath any Infectious Diſtemper Aboard, to ſend on Board of ſuch Ship or Veſſel, a Doctor, to examine the ſame, as need ſhall require, and return thereof to the Governour, or in his abſence, to ſome of the Aſſiſtants, or Juſtices of the Peace of the Town of *Newport* to make report, that due care may be taken therein; and the Maſter of ſuch Ship or Veſſel, ſhall pay all charges ariſing thereon; and if he reſuſe to pay the ſame, it ſhall be Recovered by the Naval Officer in any Court of Record within this Colony.

*If any ſick  
perſon happen  
to be Landed,  
a Juſtice. &c.  
to remove  
ſuch perſon,  
as he thinks  
fit.*

*And be it further Enacted by the Authority aforeſaid,* That if notwithstanding the above-ſaid Precautions to prevent any Infectious Diſtemper from being brought into this Colony, that if any perſon or perſons, Paſſengers, Mariners, or Slaves ſhall be Landed from on Board any Ship, or other Veſſel, and ſhall after being Landed, be taken Sick with the Small-pox, or any other Infectious Diſtemper; that then and in ſuch caſe, it ſhall and may be lawful, for any one Aſſiſtant, or Juſtice of the Peace of any ſuch Town where ſuch Cauſe ſhall happen, to remove ſuch ſick and diſtempered perſon and perſons to ſuch convenient Place, as ſhall to them appear to be neceſſary, to prevent the ſpreading thereof; and the perſon or perſons ſo removed, if free to pay the Charge thereof, and ſhall be Recovered in any Court of Record within this Colony, by the perſon or perſons that ſhall diſburſe the ſame; and if the perſons ſo removed be Slaves, then the Owners thereof ſhall pay the ſame; and if the Slaves are Conſigned to any perſon within the Government, then ſuch perſon to whom Conſigned, ſhall pay the charge of the ſame, to be recovered as aforeſaid.

AN

## AN ACT, for Quieting Possessions, and avoiding Suits at Law.

**W**HEREAS at the first Settling of this Colony, and for sundry Years afterwards, Lands were of little or no Value, and Skilful Men in the Law were much wanted, whereby many Deeds, Grants and Conveyances were weakly made, which may Occasion Great Contests in Law, if not timely prevented.

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That all Grants, Charters, Profits, Rights and Priviledges, heretofore Granted and Given by the General Assembly of this Colony, unto any Town, Corporation, Community and Propriety, and to any other Person or Persons, shall be, and they hereby are Ratified and Confirmed to be Good and Effectual to all Intents and Purposes in the Law, for the Granting and Conveying all such Lands, Tenements, Charters, Corporations, Priviledges as is therein Mentioned, to the Persons therein Mentioned, and their Heirs and Assigns for ever. *Ancient Grants confirmed.*

And be it further Enacted by the Authority aforesaid, That where any Person or Persons, or others, from whom he or they derive their Titles, either by Themselves, Tenants, Leases, Hath, Have or shall by the space of Twenty Years, be in the Uninterrupted, Quiet, Peaceable and Actual Seisin and Possession of any Land or Hereditaments within this Colony, for and during the said time, Claiming the same as his, her or their proper sole and Rightful Estate in Fee Simple, such Actual Seisin and Possession, shall be allowed to give and make a Good and Rightful Title to such person or persons, their Heirs and Assigns for ever; and this Act being Pleaded in Bar to any Action that shall hereafter be brought for such Lands, Tenements or Hereditaments, and being duly proved, shall be allowed to be Good, Valid and Effectual, in the Law for Barring the same. *Twenty years possession to make a Title.*

PROVIDED, that nothing in this Act shall be Construed, Deemed or Taken, to Extend to prejudice the Rights & Claims, of such Persons under Age, Non Compos Mentis, Feme Coverts, Imprisoned or beyond Seas, they bringing their Suit there for, within the space of Ten Years, next after such Impediment is Removed. *Feme Coverts &c. except.*

## AN ACT, for Granting Administrations to the Wives of Persons Three Years absent, and unheard of.

**W**HEREAS many Merchants and Mariners, going to Sea on Voyages, are often absent many Years and unheard of, and leaving no Power of Attorney for the Receiving of Debts, Rents and Profits of their Estates, whereby their Wives and Families may suffer.



For the Preventing whereof for the Future,

**B**E it Enacted by the General Assembly, and by the Authority of the same, That whosoever hath been departed or shall depart out of this Government on a Voyage to Sea or otherways, and hath left an Estate in this Government, and be unheard of for the space of Three Years, next immediately succeeding such departure, and leave no Power of Attorney with his Wife, to Receive his Debts, Rents and Profits of such Estate, which he hath within this Government; that then and in such Cases, the Town Council of such Town, where such departed Person last dwelt, upon due Application to them made, by the Wife of such departed Person, are hereby fully Impowered and Authoriz'd, to Grant Administration, to the Wife of such departed Person, Enabling and Impowering Her to Sue for, Recover the Debts, Rents and Profits of the Estate of such Her departed Husband, for the Comfortable Subsistence of Her Self and Children, if any She have, until such time as Her departed Husband shall Return home, or send sufficient Power of Attorney for the same; or until he shall be Adjudged and Deem'd Dead in Law, and then such Her Administration shall cease and determine.

*If a person be three years absent and unheard of, Administration to be granted to the Wife.*

# L A W S

Made and Past by the General Assembly of Her Majesties Colony of Rhode-Island and Providence-Plantations, &c. Held at Newport, the Sixth Day of May, 1713.

**W**HEREAS Ninigret the Indian Sachem, in the Narragansett Country, on the Twenty Eighth Day of March, 1709. did by an Instrument under his Hand and Seal, Covenant and Agree with the Governour and Company of this Colony, that they should have the oversight and care of his Lands, &c. and that he would not Sell, or Hire out any of his Lands, without their consent, approbation, under the Penalty of Forfeiting such Lands by him Sold and Hired; and notwithstanding which several evil minded Persons for the Lucre of Gain, have Craftily and Designedly Cheated the said Sachem of some of his Lands, and of the Profits of his other Lands, so that he has not sufficient to maintain Himself and People upon.

*All Grants, Leases, &c. made by Ninigret, since March, 1709. to be void.*

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That all Deeds of Sale, Deeds of Mortgage and Leases of any of said Ninigret's Lands, which have been by him made and Granted, since the said Twenty Eighth of March, One Thousand Seven Hundred and Nine, to this present Sessions of Assembly be and they are hereby declared to be Null and Void, and of no Force, Validity and Effect in the Law, to any such Use or Purpose whatso.

And

And for the Preventing of Clandestine Proceedings for the Future:

**B**E it further Enacted by the Authority aforesaid, That no Person whatsoever, shall Buy, Purchase or Hire any Lands of the said Ninigret Sacham, either by Deed of Sale or Mortgage, or Lease, <sup>No person to Buy or Hire of Ninigret, on the penalty of Twenty Shillings per Acre.</sup> unless they first Have and Obtain, the Assent of the Governour and Company, of this Colony for the time being, under the Penalty of Forfeiting <sup>Twenty Shillings per Acre,</sup> for every Acre that shall be so Bought, Purchased or Hired, to and for the Use of the Colony; to be Recovered by the General Treasurer, in the General Courts of Tryals, where no Effoin, Protection or Wager of Law shall be allowed; and all such Feoffment, Sales, Mortgages and Leases, are hereby declared to be Void, Null and of none Effect in the Law.

*AND* be it further Enacted by the Authority aforesaid, That no Recorder or Town Clerk in this Colony, shall Register or make Record of any such Deed <sup>He that Records any such Grant or Lease, forfeits Fifty Pounds</sup> of Sale, Mortgage or Lease, under the Penalty of Fifty Pounds, to be Fofeited to and for the Use of the Colony, to be Recovered as aforesaid, for every such Deed of Sale, Mortgage or Lease, that shall be by him Recorded.

# L A W S

Made and Past by the General Assembly of Her Majesties Colony of *Rhode-Island*, and *Providence-Plantations*. Held at *Newport*, the Twenty Fourth Day of *February*, 1713.

AN ACT for Preventing Pedlers from Selling of Goods in this Colony.

**B**E it Enacted by the General Assembly, and by the Authority of the same, <sup>No Pedler to Sell within this Colony, under the penalty of Forty Shillings.</sup> That from and after Forty Dayes, of the Publication of this Act, no Pedler shall open his Pack, and Sell or Expose to Sale any sort of Dry Goods, within any Town of this Colony, under the Penalty of Forfeiting <sup>Forty Shillings,</sup> for every such Offence <sup>Forty Shillings,</sup> to and for the Use of such Town, where such Offence shall be Committed; to be Recovered by the Town Treasurer of such Town, upon Conviction thereof, by the Evidence of Two Witnesses upon Oath or Engagement, before any Two Assistants or Justices of the Peace of such Town.



# L A W S

Made and Past by the General Assembly of Her Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, &c. Held at *Newport*, the Fifteenth Day of *June*, 1714.

AN ACT, for Establishing a Gunner at *Fort-Anne*.

One Gunner  
to be main-  
tained at *Fort-  
Anne*.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That there shall be one Gunner, kept and maintained in *Fort-Anne*, who shall be allowed *Twenty Pounds per Annum*, for his Performing and Exercising the Duty of a Gunner therein, and that it shall and may be in the Power of the Governour of this Colony, to appoint the Gunner, such as he shall Judge to be best Qualified and Experienced in the Art of Gunnery, &c.

# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, &c. Held at *Providence*, the Twenty Seventh Day of *October*, 1714.

AN ACT, to Prevent Slaves from Running away from their Masters, &c.

**W**HEREAS several Negro and Molatto Slaves, have Ran-away from their Masters and Mistresses, under pretence of being Employed in their service, and have been Transported over the Ferries out of this Colony, and suffered to pass through the several Towns, under the aforesaid pretence, to the great Damage and Charge of their Owners, and many times to the loss of their Slaves.

No person to  
Transport any  
Slave over a  
Ferry, or out  
of the Colony,  
without a  
Certificate.  
On the penalty  
of Twenty  
Shillings,  
&c.

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That no Ferry-man, or Boat-man whatsoever, within this Colony, shall Carry, Convey or Transport, any Slave or Slaves as aforesaid, over any Ferry, or out of the Colony, without a Certificate under the Hand of their respective Master or Mistress, or some Person in Commission for the Peace, on the Penalty of *Twenty Shillings*, to be Forfeited to and for the Use of the Colony, to be Recovered upon Conviction thereof, before any Two Assistants

Assistants or Justices of the Peace, of such Town where such Offence shall be Committed, and shall Pay all Costs and Charges that shall arise, on his or their Carrying or Transporting any Slave or Slaves as aforesaid to the Owner thereof, to be Recovered by the Person agrieved thereby, if not Exceeding *Forty Shillings*, before any Two Justices of the Peace, &c. and if above *Forty Shillings* at the General Court of Tryals, by Action of Trespas upon the Case. And all His Majesties Ministers of Justice, and all other his Subjects in this Colony, knowing of any Slave or Slaves Travelling through the Township wherein they Dwell, without a Certificate as aforesaid, they are hereby Required to cause such Slave or Slaves to be taken up, Examined and Secured, so as the Owners of such Slave or Slaves may be Notified thereof, and have their Slave or Slaves again, Paying the reasonable Charges arising thereon.

*All Ministers of Justice to take up all Negro Slaves.*

# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode Island and Providence-Plantations*, &c. Held at *Kings-Town*, the Twenty Third Day of *February*, 1714.

## AN ACT, for the Registring Deeds and Conveyances.

**F**OR the Prevention of Clandestine and Uncertain Sales of Houses and Lands; and to the intent that it may be the better known what Right Titles or Interest Persons have in or to such Estates as they offer to Sale.

**B**E it Enacted and Declared by the Present Assembly, and by the Authority of the same, That henceforth all Deeds and Conveyances of any Houses or Lands within this Colony, Sign'd and Seal'd by the Party or Parties granting the same, having good and lawful Right or Authority thereto, and acknowledge by such Granter or Granters, before any Assistant or Justice of the Peace in the Colony, and Recorded at length in the Registry of the Town where such Houses and Lands do Lye, within the space of six Months, from the Date of such Conveyance, every such Conveyance shall be Valid, without any other Act or Ceremony whatsoever.

*Conveyances to be Sign'd and Seal'd, Acknowledged and Recorded.*

AND that from and after three Months next after Publication of this Act, no Bargain, Sale, Mortgage, or other Conveyance of Houses or Land made and Executed within this Colony, shall be good and effectual to hold such Houses and Lands against any other person or persons; but the Granter or Granters, or their Heirs only, unless the Deed or Deeds thereof be Acknowledged and Recorded in manner as is Express'd.



*If the Grantee or Vendee, &c. before Acknowledgment be proved by the Witnesses.*

PROVIDED nevertheless, that when and so often as it shall happen any Granter to Live in Parts beyond the Seas, or to be Removed out of this Colony, or to be Dead before any such Conveyance by him or them made, be acknowledged as aforesaid; in every such Case, the proof of such Deed or Conveyance made by the Oaths of the Witnesses thereto Subscribed, before any Court of Record within this Colony, it shall be equivalent to the Party's Acknowledgment thereof.

*If the Grantee or Vendee refuse to acknowledge the same, he shall be Committed to Goal.*

And be it further Enacted by the Authority aforesaid, That if any Grantor or Vendor of any Houses or Lands, shall refuse to acknowledge as is aforesaid, any Grant, Bargain, Sale or Mortgage by him, her, or them Signed and Sealed, and being thereto Required by the Grantee or Vendee, his, her, or their Heirs or Assigns. It shall and may be lawful for any Assistant, or Justice of the Peace, within the Town where such Grantee or Vendee Lives, upon Complaint made, to send for the Party so refusing; and if he, she, or they persist in such refusal, to Commit him, her, or them to Prison, without Bail or Mainprize, until he, she, or they shall acknowledge the same; unless he, she, or they shall Appeal to the next General Court of Tryals; in that Case it being first made appear, and proved to be the Act and Deed of the Party refusing to acknowledge the same, by the Oath of one or more Witnesses thereto Subscribed: And such Grantee or Vendee filing a Copy of his Deed or Mortgage so proved in the Town Clerk's Office, in the Town wherein the Land doth Lye, shall thereby secure his Title in the mean time; and the same shall be accounted sufficient caution to every other person and persons, against purchasing the Estate in such Deed mentioned to be Granted.

*No Widow to be barred of her Dower by this Act.*

PROVIDED that nothing in this Act shall be construed, deemed or extended to bar the Widow of any Vendor or Mortgager of Lands or Tenements, from her Dower or Right in, or to such Lands or Tenements, who did not legally joyn with her Husband in such Sale or Mortgage, or otherwise lawful bar, or exclude her self from such her Dower Right.

*Mortgages to discharge their Mortgages by Record when paid.*

And be it further Enacted by the Authority aforesaid, That any Mortgage of Lands or Tenements, his or her Heirs, Executors or Administrators, having received full satisfaction of all, and every such Sum and Sums of Money, as are really due to him, by him such Mortgage, shall at the Request of the Mortgager, his Heirs, Executors or Administrators, acknowledge and cause satisfaction and payment to be Entred in the Margent of the Record of such Mortgage, in the Town Clerk's Office, where the Land lies, and shall Sign the same, which shall forever hereafter discharge, defeat and release such Mortgage, and perpetually bar all Actions to be brought thereupon, in any Court of Record.

*and if they refuse to pay the same, to pay all Damages accruing.*

AND if any such Mortgages, his, her, or their Heirs, Executors or Administrators, shall not within ten days next after Request in that behalf made; and tender of his, her, or their reasonable Charges, repair to the Town Clerk's Office, and there make and sign such Acknowledgment as aforesaid, or otherwise Sign and Seal a Discharge, and Release and Quit Claim to the Estate therein mentioned to be granted, and acknowledge the same, before any one Assistant, or Justice of the Peace of this Colony; he, she, or they so refusing to do, shall be liable to mak good all Damages

Damages that shall accrue, for want of such a Discharge or Release, to To pay, all  
be Recovered by any Action or Suit in any Court of Record, and in case Damages go-  
Judgment pats against the Party so Sued, he, she or they so Cast, shall pay cruing.  
unto the adverse Party, treble Costs arising upon such Suit.

# L A W S

Made and Past by the General Assembly of His Majesties  
Colony of *Rhode-Island* and *Providence-Plantations*, &c. Held  
at *Newport*, the Fourth Day of *May*, 1715.

An A C T, For the convenient Laying out of High-ways and Roads  
in the several Towns within this Colony, where wanted.

**B**E it Enacted by the General Assembly, and by the Authority of the same,  
That the Proprietors of all, and every Town in this Colony, shall with  
all convenient speed, take care to Lay out convenient High-ways, and Roads <sup>Town Council,</sup>  
from Town to Town, and to Market and Mill, &c. within three Months of <sup>to lay out</sup>  
the Publication hereof; and in case the said Proprietors shall refuse, or neg- <sup>High ways</sup>  
lect so to do, it shall, and may be lawful for the Town Council of each respec- <sup>by a Jury.</sup>  
tive Town where (such Defect shall be) to order and appoint a Jury of  
Twelve, or more, lawful and Judicious men, who have no particular interest,  
in laying out the same in such Towns where such Defect is, as shall be found <sup>The Jury to</sup>  
most beneficial, for the interest of His Majesty, and the Benefit of the Sub- <sup>be Engaged</sup>  
ject, the which Jury shall be first duly Engaged to the true, faithful and su-  
perbial performance thereof.

And be it further Enacted by the Authority aforesaid, That in case it shall be  
found most convenient to lay out any Road or Highway through any particu-  
lar persons Land or Property, or part thereof, (who is not under any Obli-  
gation to allow the same;) that then the said Jury shall agree with the <sup>And agree</sup>  
Owner or Proprietor thereof, what reasonable allowance shall be made for the <sup>with the</sup>  
same. <sup>Proprietors</sup>  
<sup>for the Land.</sup>

But if the Owner or Proprietor of such Land shall refuse to agree with such  
Jury; then the said Jury is ordered and Impowered to Estimate and Value <sup>If they refuse</sup>  
the Price of such Land as shall be laid out as aforesaid, as near as they can, to <sup>to agree, then</sup>  
the best of their knowledge; which Estimation so made, shall be allowed <sup>to value the</sup>  
good against such Owner or Proprietor; as refused to agree as aforesaid, and <sup>Land, which</sup>  
shall be accordingly paid, to such Owner or Proprietor by such Town, out of <sup>shall be paid</sup>  
their Town Treasury, and also all other incident Charges accruing on the <sup>by the Town.</sup>  
performance of the same. Any Law Custom or Usage to the contrary hereof  
notwithstanding.



AN ACT, Appointing, and Stating Two Juries, to attend the General Courts of Tryals, and General Goal Delivery.

**F**ORASMUCH as the many Actional and Criminal Cases, that of late Years come upon Tryal, before the General Court of Tryals, and General Goal Delivery, and but one Petit Jury to attend said Courts; which Prolongs the Sitting of such Courts very much, which is a great Ill-conveniency to the Judges, and a great Charge to such Persons as have Actions depending there, before they can be heard and dispatched.

**B**E it therefore Enacted by the General Assembly, and by the Authority of the same, That for the Expediting and Dispatch of Business for the Future, there shall be two Petit Juries Elected and Appointed, to attend the Respective General Courts of Tryals, and General Goal Delivery in this Colony, and the said Juries shall be Improved as the Judges of said Courts, shall see cause in all Actional or Criminal Cases.

Two Juries to attend the General Court of Tryals.

Each Towns Quota of Jury-men.

And be it further Enacted by the Authority aforesaid, That each & every Town in the Colony, shall Elect and send to the aforesaid General Courts of Tryals, and General Goal Delivery, the several Numbers of lawful honest Petit Jury-men, as it is hereafter Expressed, ( That is to say ) *Newport Ten, Providence Four, Portsmouth Four, Warwick Two, Westerly Two, New-Shorcham Two, Kingstown Two, East-Greenrich Two, and Jamestown One*; which Jury shall be Elected by each Respective Town, according to their Usual Custom; and the said Jury-men so Elected, shall attend the Respective Courts, for which Chosen.

A Jury-man's Fine upon neglect of Appearance.

AND be it further Enacted by the Authority aforesaid, That if any Jury-man Chosen and Elected as aforesaid, shall Refuse and Neglect to make his Personal Appearance at such Court, on the first Day of the sitting of such Court, shall Pay as a Fine, *Thirteen Shillings, and Four-pence*, for such his defect, unless the Judges of such Court shall think fit to Remit the same.

The Recorder to return all Delinquents to the Sheriff, who is to Collect the Fines. Fines how disposed of.

AND it is further Enacted by the Authority aforesaid, That the General Recorder shall from time to time, keep a fair Record of all such Jury-men, as shall not appear at the Respective Courts, and so many of them as shall not have their Fines Remitted as aforesaid, he shall at the breaking up of such Court. return a List of their Names to the Sheriff, who is hereby Required before the next Court, to take and receive the said Respective Fines; and in Case any of the said Persons shall Refuse to Pay said Fine on Demand, the Sheriff shall then make Distrainment upon the Personal Estate of the Person so Refusing or Neglecting, to the Value of such Fine, and the Charges thereupon accruing, or like to accrue, which Goods Distrained are to be disposed of, in manner as other Distresses, and by the Laws of this Colony, for the satisfying such Fine and Charges, and the Overplus if any, to be returned to the Person Distrained on; the one Moiety of such Fines to be and remain to the Sheriff, for his service therein, and the other Moiety to be disposed of by the Court where such default was made, for defraying the Incident Charges of said Court, and Account of all Fines so Received or Levied by the Sheriff with his proceedings thereupon, shall be by him duly rendred to the next succeeding Court, together with the moiety of such Fines unto said Court belonging.

## L A W V S

Made and Past by the General Assembly of His Majesties Colony of Rhode-Island and Providence-Plantations, Held at Newport by Adjournment, July the Fifth, 1713.

AN ACT for Emitting *Thirty Thousand Pounds* in Publick Bills of Credit.

*An Act for  
Emitting  
Thirty  
Thousand  
Pounds in  
Bills of Credit.*

**W**HEREAS it hath Pleased GOD, to suffer the French and Indians, our late Enemies, to Maintain, a long, Bloody and Expensive War against His Majesties Subjects in these parts of the Northern America; in which Calamity of War, this Colony hath been no small sharer, a Great part thereof Lying Exposed to the Insults and Depredations of the Enemy both by Sea and Land, which to defend this His Majesties Colony, hath from time to time; for this many Years past been put to great Charge and Expence, which together with the Extraordinary Additional Charge that accrued by Her late Majesties Commands, to Assist in sundry Expeditions, for the Reducing of Port-Royal and Canada, the Defraying the Charge whereof proved so great a Burthen, that it hath Reduced the Money of this Colony, and other Mediums of Exchange unto a very low Ebb, that thereby Trade is sensibly Decayed, the Farmers thereby Discouraged, Husband-men and others Reduced to great Want, and all sorts of Business Languishing, few having wherewith to Pay their Arrears, and many not wherewithal to sustain their daily wants, by reason the Silver and Gold in the first place, necessary to defray the Incident and Occasional Charges hath been Exhausted; those few Bills of Publick Credit put forth by this Government falling far short of discharging this Colonies Arrears, hath left us little or no Medium of Exchange; and whereas the Annual, Necessary and unavoidable Charge of the Colony makes a considerable Account, and that His Majesties Fort, called Fort-Anne is gone much to Decay, and almost every thing therein out of Repair, and that all Sorts of Ammunition and Stores are Wanting, to furnish the same for Defence; especially at a time when War seems to threaten us. And also His Majesties Goal in the Metropolis of this Government, is calling for Speedy and Considerable Repairs and Enlargement, and many other Publick Emergencies, which cannot be Omitted, Requiring considerable Sums of Money, which to Effect there is no possibility in View, saving that of Emitting Publick Bills of Credit of this His Majesties Colony, to accomplish the ends aforesaid, and to Reduce the Arrears thereof unto a Ballance, always depending on our Dread Sovereign's Countenance and Toleration therein, unto whose Royal Commands this Colony, as in Duty bound will at all times readily Submit:

All which being duly Considered.

**B**E it therefore Enacted by the General Assembly of this His Majesties Colony of Rhode-Island, and by the Authority of the same; and it is hereby Enacted, That the Sum of *Thirty Thousand Pounds* in Bills of Publick Credit, *of*



Trustees appointed for the same.

And to be hired out at five per Cent. upon Land Security, for ten years.

Bond to be given for Interest.

The Mortgages taken, to be Recorded.

To be made to the Trustees, &c. for the Colonies use.

The first Trustees appointed.

of the same Tenor with those already put forth by this His Majesties Colony, be forthwith made, and put into the Hands of six Trustees, hereafter named and appointed in this present Act, with full power to act therein; which Trustees, or any three of them, are hereby Impowered, to Sign said Bills, and them to deliver unto the Persons Chosen for Committees of the several and respective Towns in this Colony; the said Trustees taking Receipts from the said Committees, for such Sums as shall be by them received, as the proportion of such Town; which said Bills, being by such Committee receiv'd the same, is to be Let out to the Inhabitants of their Respective Towns in this Colony, in Good and Sufficient Land or other real Security within the said Towns, at *Five Pounds per Cent per Annum*, in Sums not Exceeding *Five Hundred Pounds*, nor under *Fifty Pounds* to any one Person, and that for the space of Ten Years. Always PROVIDED, That all such Persons that shall take said Bills upon such Security, shall at the Expiration of Five Years from the Date of their Deed of Mortgage or other assurance renew the same, or give any further, and other better security for the continuation of any such Sum by them borrowed for the remaining five years; if by the Trustees, then for the time being, such person shall be thereunto Required, and that persons so borrowing the said Bills, shall before receiving of the same, give five Bonds payable to the General Treasurer of this Colony for the time being, to the use of this Colony, for the orderly and duly payment of the first five years Interest: And if any such person, at the Expiration of the five years, shall see cause to pay down the Principal, and Discharge the Interest in like Publick Bills of Credit, or current Money of said Colony; upon his or their so doing, such Mortgage or Security shall be released and delivered up, and the Lands, or other real Estate so Mortgaged or Engaged, discharged therefrom. And the said Trustees and Committees for the several Towns, are hereby required, carefully to inspect into the true value of such Estates as shall be offer'd to Mortgage, and that they be of double the value of the Sums Lent thereupon; and whether the Title of the person desiring to Mortgage his Lands, &c. appears to be good by the Town Records, where such Land or real Estate lies, and that no Encumbrance be thereupon, which appearing good and satisfactory, such Mortgages to be taken by the Committee of the several Towns as aforesaid, and forthwith at the Charge of the Mortgager, be put upon the Records of such Town where such Estate lies; and the said Deeds of Mortgage afterwards with all convenient speed, together with the Bonds for payment of the Interest, by Lodging in the Custody of the Trustees for the time being, for the use of this Colony, they giving Receipts for the same, to the Committee of the several respective Towns, upon delivery of the same, the said Trustees to be always accountable unto the General Assembly of this His Majesties Colony for the time being, for all such Mortgages and Bonds, together with the Profits thereof, the which they shall surrender up to the General Assembly of this Colony, when by them they shall be thereunto Required; And that all Mortgages made, or to be made as a Security for the Bills so borrowed to be to the first Trustees, and such others as shall from time to time be appointed by the General Assembly of this Colony.

And be it further Enacted by the General Assembly, and by the Authority of the same, That Lieutenant Colonel John Wanton, Captain Job Almy, Major



Major Nathaniel Coddington, Captain Benjamin Ellery, Major James Brown, and Mr. Robert Gardner, be, and they hereby are appointed and Chosen to be the Six first Trustees, and them, or any three of them, shall Sign all such Bills as shall be made as aforesaid; and the aforesaid Six Trustees are hereby appointed to be the Committee for the Town of Newport, to Let out, and take Security for their proportion of said Publick Bills of Credit afore-described in this Act. And the Honourable Joseph Jencks, Esq; Deputy Governour, and Captain Richard Waterman, be a Committee for the Town of Providence, to Lett out their proportion of said Bills, and that Mr. Thomas Cornell, and Mr. George Cornell, be a Committee for the Town of Portsmouth, to Execute said Trust; and Major Randal Hoaldon, and Major Job Green, be a Committee to Execute the said Trust for the Town of Warwick; Captain John Babcock, and Captain Joseph Stanton, be a Committee to Execute said Trust, for the Town of Westerly; Captain Simon Ray, and Captain John Sands, be a Committee to Execute said Trust, for the Town of New-Shoreham; Captain John Eldred, and Mr. Stephen Hazzard, be a Committee to Execute said Trust for the Town of Kingstown, Major Thomas Fry, and Mr. Thomas Spencer, be a Committee to Execute said Trust for the Town of East-Greenwich; and that Mr. John Hull, and Captain Nicholas Carr, be a Committee to Execute said Trust for the Town of James-Town. All the aforesaid Committees shall be under Oath for their due and faithful performance of the Trust reposed in them; in the Premises aforesaid, and shall be allowed and paid for their Service therein, Ten Shillings on every Hundred Pounds by them Lett out, to be divided amongst them; as followeth, (viz.) two thirds of the whole amount unto the first six Trustees afore-named, together with a proportionable part of the third part allotted to be divided with the other Committees; for their care and trouble in Receiving and Signing, and Letting the Town of Newport's proportionable part of said Bills; and delivering the remainder to the Committees of the several Towns in proportion to such Moneys, as shall be by them Lett out.

*Committees appointed to Lett out each Towns Quota*

And be it further Enacted by the Authority aforesaid, That the Publick Bills of Credit to be Emitted by this Colony, shall be made and finished according to the several Sums and Values hereafter mentioned, viz. Of Five Pound Bills, Ten Thousand, Four Hundred and Five Pounds; of Three Pound Bills, six thousand, two hundred and forty three Pounds; of Forty Shilling Bills, four thousand, one hundred and sixty two Pounds; of Twenty Shilling Bills, two thousand and eighty one Pounds; of Ten Shilling Bills, two thousand, five hundred and six Pounds; of Five Shilling Bills, one thousand two hundred and fifty three Pounds; of Four Shilling and Six-penny Bills, one thousand three hundred and fifty Pounds; of Three Shilling Bills, nine hundred Pounds; of Two Shilling and Six-penny Bills, seven hundred and fifty pounds; and of One Shilling Bills, three hundred Pounds; being in the whole, Thirty Thousand Pounds; which Bills shall not be Pasted, Covered or Lin'd on the back-side, on any pretence whatsoever. And the said Trustees are as soon as possible to Sign the aforesaid quantity of Bills, and to make them of divers forms and distinctions, as much as possible may be, to prevent Counterfeiting; and the Charges of the same to be reimburs'd out of the General Treasury of this Colony.

*The quantity and Denominations of the several sorts of Bills.*



*And be it further Enacted by the Authority aforesaid, That if the Inhabitants of any Town in the Colony, do not within three Months, after their Committee has received their proportion of the aforesaid Bills, take it up and improve it according to the intent and purport of this Act, that they may Lett it out to any persons in the Colony, upon good Security as aforesaid, or return it to the Grand Committee, whose Receipts shall be their Discharge.*

*One Thousand Pound of old Bills to be Annually Sunk with the Interest of the New.*

*AND be it further Enacted by the Authority aforesaid, That One Thousand Pound out of the Interest of Thirty Thousand Pounds to be Lett out, be Annually improved for the Sinking of One Thousand Pounds of our old Bills of Credit formerly Emitted by the Colony, until the whole be Consumed, and the aforesaid Grand Committee are hereby Impowered to Exchange the Sum of One Thousand Pounds annually of our own Bills of Credit, in order to be burnt, until they be wholly sunk as aforesaid, and the remaining part of the Interest of the aforesaid Thirty Thousand Pounds, shall be annually Disposed of for the Interest of the Government, as the Assembly shall from time to time order and direct.*

*The General Treasurer's Power of Arresting the Obligors.*

*AND be it further Enacted by the Authority aforesaid, That the General Treasurer of this Colony for the time being, shall have the same benefit and liberty to Arrest each respective Obligor, as the General Treasurer hath against each respective Constable, upon default of paying the General Tax or Rate to him Committed.*

### AN ACT, Prohibiting the Importation, or bringing into this Colony, any Servants or Slaves.

**W**HEREAS Divers Conspiracies, Insurrections, Rapes, Thefts, and Execrable Crimes have been lately perpetrated in this, and the Neighbouring Governments by Indian Slaves, and the daily increase of them in this Government, discourage the Importing of White Servants from Great-Brittain, &c. into the same, which if not immediately Remedied, may prove very Pernicious and Destructive to the Colony.

*All Indian Slaves Imported into the Colony, to be Forfeited, unless Bond be given for their Transportati-  
on.*

**B**E it therefore Enacted by this Assembly, and by the Authority of the same, That from and after ( Three Months next ensuing ) the Publication of this Act, all Indians Male, or Female, of what age soever, Imported into this Colony by Sea or Land, from any part or place whatsoever, to be disposed of, Sold or left within this Colony, shall be Forfeited to this Colony, to and for the Use and support of the same; Unless the Person or Persons Importing or bringing in such Indian or Indians, shall give Security at the Secretary's Office of Fifty Pounds per Head, to Transport and Carry out the same again, within the space of one Month next after their coming in; not to be return'd back to this Colony.

AND every Master of any Ship or other Vessel, Merchant or Person whatsoever Importing or bringing into this Colony, by Sea or Land, any Indian

Indian or Indians Male, or Female, within the space of Twenty-four Hours, next after their arrival or coming in, shall Report or Enter their Names, Number and Sex, and give Security in the Secretarys Office as aforelaid, on pain of Forfeiting to the Colony; the sum of *Fifty Pounds per Head*, to and for the Use of the Colony; to be Sued, for and Recovered in any of His Majesties Courts of Record, by Action, Bill, Plaint, Suit or Information. And the Fee to be paid for such Entry and Bond as aforelaid, shall be *Two Shillings and Six-pence* and no more. Any Act or Acts, Clause or Clauses of Acts to the contrary hereof notwithstanding.

*All Masters to report the Number, &c. of the Slaves by them Imported into the Secretary's Office. On penalty of Fifty Pounds per Head. Secretary's Fee.*

# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, &c. Held at *Warwick*, the Twenty Sixth Day of *October*, 1715.

AN ACT, for Raifing and Emitting *Ten Thousand* Pounds in Publick Bills of Credit on this Colony.

**B**E it Enacted by the General Assembly, and by the Authority of the same, *Ten Thousand* That there be forthwith Imprinted and Signed, the Sum of *Ten Thousand* Pounds in Bills of Credit in this Colony, by the former Committee who *Emitted.* Signed the *Thirty Thousand* Pounds Emitted by this Colony, and by them *And hired out.* to be delivered to the Committees of the several Towns in proportion as aforelaid, to be hired out upon good Security, as the *Three Thousand* Pounds aforelaid is, the said Bills to pass in all Publick Payments as the other Bills are and do pass.

AND be it further Enacted by the Authority aforelaid, That every Person or Persons whatsoever within this Colony, that have hired any Bills of Credit of this Colony, and by their Obligations are Obligated to pay in the same specie again, shall be discharged from their said Obligations, they paying the same in Current Mony of *New-England*.



# L A W S

Made and Past by the General Assembly of His Majesties Colony of Rhode-Island, and Providence Plantations Held at Newport, the Second Day of May, 1716.

AN ACT, Regulating the Maintainance of Ministers within this Colony.

**W**HEREAS in the Fifteenth Year of the Reign of His Gracious Majesty, Charles the Second, there was a Charter Granted to this His Majesties Colony, in which contained many Gracious Priviledges, for the Incouragement and Comfort of the Inhabitants thereof; amongst others that of free liberty of Conscience in Religious Concernment, being of the most Principal, it being a Moral Priviledge due to every Christian, as by His said Majesty is observed, that true Piety rightly grounded upon Gospel principles, will give the best and greatest Security to Sovereignty, and will lay in the Hearts of Men, the Strongest Obligations to true Loyalty. And this present Assembly being sensible by long Experience, that the aforesaid Priviledge by the Good Providence of GOD, having been continued to us, has been an outward means of continuing a Good and Amicable Agreement amongst the Inhabitants of this Colony; and for the better continuance and support thereof, as well as for the timely preventing of any and every Church, Congregation and Society of People, now Inhabiting, or which shall hereafter Inhabit within any part of the Jurisdiction of the same, from Endeavouring for Preheminence or Superiority one over the other, by making Use of the Civil Power, for the Enforcing of a Maintainance for their Respective Ministers.

No Minister  
to be main-  
tained other-  
wise, than by  
free Contribu-  
tion.

**B**E it Enacted by this Present Assembly, and by the Authority of the same, That what Maintainance or Sallery, may be thought needful or necessary by any of the Churches, Congregations or Society of People now Inhabiting, or that hereafter shall and may Inhabit within the same, be raised by free Contribution, and no other ways.

# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode Island and Providence-Plantations*, &c. Held at *Providence*, the Thirty First Day of *October*, 1716.

AN ACT, for the better settling the Payment of Officer's Fees, at the General Courts of Tryals.

**B**E it Enacted by the General Assembly, and by the Authority of the same, He that obtains Judgment, to pay  
That all Persons whatsoever, whether Plaintiff or Defendant, that shall at the General Court of Tryals, Recover or Obtain Judgment of said General Court of Tryals, he, she or they so Recovering or Obtaining Judgment, shall Pay to the Recorder all Officers Fees due in said Case, before He, She, or They, shall have His or Their Bill of Costs Taxed; any Act or Acts, Clause or Clauses of Acts to the contrary hereof, in any ways notwithstanding.

# L A V V S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island and Providence-Plantations*, Held at *Newport* by Adjournment, June the Eighteenth, 1717.

AN ACT for the Explanation of, and further Enlargement of an Act Past by the General Assembly of this Colony, begun and Held at *Newport* by Adjournment, the Twenty Seventh Day of *February* 1711, 12. For Granting of Administration to the Wives of Persons Three years absent, and not heard of.

**W**HEREAS the aforesaid Act of Assembly, hath by Experience been found very beneficial and Useful to the Wives of such Seafaring Persons and others, as have departed out of this Colony, and not heard of in Three Years after Departure, without leaving of a good and sufficient Power of Attorney, with any Person or Persons, the Due Recovering and Managements of their Estates both Real and Personal in their absence; but the said Act not being so Full and Extensive as hath since been found necessary in such like Cases, for the further Enlargement and Explairation thereof, and in Addition therunto.

**I**T is further Enacted by the General Assembly of this Colony, and by the Authority of the same, That in case any person being an Inhabitant of this Colony,



*If a person  
be absent,  
three years  
unheard of,  
his Wife, or  
other Relati-  
ons shall have  
Administration  
granted.*

Colony, hath, or shall depart out of the same, being Entitled unto, or leaving any Estate, either Real or Personal, within the Limits thereof unto such Persons belonging or appertaining, and hath not, or shall not at his Departure leave a good and sufficient Power or Letter of Attorney, with some person or persons for the due care, recovering, management, and orderly Disposal of the same; or in case such Attorney or Attorneys by him left shall Die, whereby the said Power shall be determined; and after his Departure, hath not, or shall not be heard of and from, within the space of three years then next immediately succeeding such his Departure; that then, and in such case, it shall and may be lawful, upon the due application of the Wife or Children, or other Relations or Friends of such persons so Departed, unto the Town-Council of such Town in the said Colony, where such Persons was last an Inhabitant, or did Dwell; For the said Town-Council, who are hereby Impowered, upon due and satisfactory proof thereof to them made, to Grant, Authorize and Impower the Wife of such person, if any he hath; or in case he hath none, then such person or persons as they shall think meet and proper for and in the name, and to the use, benefit and behoof of such Departed Person to enter into, Demand, Sue for, Recover, Possess and Improve all such Lands and Houses, or other Real Estate whatsoever, as at the Departure of such person unto him of right did any ways belong or appertain; and also all such personal Estate whatsoever, consisting either in Leases, Rents, Goods, Chattels, Debts, or otherwise, as at the time of such Departure, shall be left by him to Ask, Sue for, Recover, Receive and Discharge as well and effectually in Law, as if such Departed person had himself left a good and sufficient Power of Attorney to such Ends and Purposes.

*The Ordinary  
to take suffi-  
cient Bond,  
for their  
faithful Ad-  
ministration.*

PROVIDED always, and it is the true intent and meaning of this Act, That each respective Town-Council shall upon their Granting such Power and Authority as aforesaid, take good and sufficient Security by Bond, to be given joyntly and severally by two Freeholders of this Colony, together with the person or persons unto whom they shall Grant such Power as aforesaid unto the said Town-Council, and to their Successors, for his and their true and faithful acting and doing therein, according to the power thereby given for the benefit and use of such Departed Person; and to render unto him a just and true Accompt at his Return to this Colony, or to any person or persons by him Impowered, to demand the same, when lawfully thereunto Required; and that in case such Departed Person shall after such his Departure be by reason of his long absence, or other due proof, deemed and adjudged Dead in Law before his Return to this Colony, then to render unto the Heirs, Executors, Administrators or Assigns of such Departed Person such Estate, both real and personal, as by Law shall become their, or either of their just Dues and Rights respectively to have and enjoy.

*The Admini-  
strators to  
maintain by  
consent of the  
Ordinary, such  
persons as the  
Departed  
person was  
obliged to.*

AND be it further Enacted by the Authority aforesaid, That in case such Departed Person shall leave any Child, or Children, or other Relation or Person, the Charge of whose Education and Maintainance by Law shall be Incumbent or Obligatory upon him; that then, and in such case, the person or persons so Authorized and Impowered by the Town-Council as aforesaid, shall and may with the consent and approbation of such Town-Council, Lay out, and Expend out of the Estate of such Person Departed as aforesaid, for the

the Maintainance and Education of such Child or Children, or other Relation; the Charge of whose Maintainance or Education was Incumbent or Obligatory upon such Departed person, such Sum or Sums of Money as shall be by such Town-Council thought needful and convenient, which shall be allowed him in any Accompt afterward to be Adjusted.

AN ACT, Enabling and Appointing Overseers to Lease out the Lands of Ninigret the Sachem in the Narragansett Country.

**W**HEREAS Ninigret Sachem, in the Narragansett Country, in the Colony of Rhode-Island, &c. Hath Petitioned this Assembly, to appoint three Overseers to Oversee and Rent out his Lands, to prevent his being Defrauded therein, and has also desired this Assembly, to Dispossess all those that shall refuse to Hire of his Overseers as shall be appointed by the Governour and Company of said Colony, for the time being; and also in case he shall have need to Sell any of his Lands, that he may by the said Governour and Company, for the time being, be assisted therein. For the Complying with which Petition, and for the better securing the said Sachems Lands and Profits.

**B**E it Enacted by the General Assembly, and by the Authority of the same, Overseers appointed to Stanton be, and they hereby are appointed Overseers, to Oversee and Lease out the said Sachems Lands, as shall to them seem most conducive for the said Sachems Interest. And they, or any two of them are hereby Impowered to Dispossess all and every person that now is, or hereafter shall be in the possession of any of the said Sachems Lands, and shall refuse to agree, comply and hire said Lands, at such Rents and Services as by them, or the major part of them shall be found most beneficial for the said Sachems Interest, they not Granting any Lease for any longer Term than seven years, the said Sachem to pay the Charge thereof, and the said Overseers to render an Accompt of, and surrender up their Trust to the General Assembly, when thereunto Required.



# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*. Begun and Held at *Warwick*, the *Thirtieth Day of October*, 1717.

AN ACT for Explaining an Act, Past by the General Assembly of this Colony sitting at *Newport*, the *Thirty-first Day of October*, 1677. For Granting Re-hearings from one General Court of Tryals to another, and for the better support and defraying the Charges of the Judges of such Courts.

**W**HEREAS the *aforesaid Act* for the granting of Rehearings in *Actional Cases*, being in *General termes* (to wit) that the *Plantiff and Defendant*, shall each of them have one Rehearing if desired, without any *Limitation or Explanation*; so that Rehearings have been frequently Insisted upon by the Defendant, upon a *Nihil dicit*, *Default*, *Bonds Obligatory* and so forth; and many have been Granted upon the *aforesaid Act* in such Cases as *aforesaid*, which tends to the *General Obstruction of Justice*, keeping of *Creditors out of their Just dues*,

For the better Regulation whereof,

No re-hearing  
upon Nihil  
dicit, &c.

**B**E it Enacted by the General Assembly, and by the Authority of the same, That from and after the Publication of this Act, no Rehearing shall be Granted upon any *Nihil dicit*, arising for want of answers, being duly Filed in the *Recorders Office*, nor upon any wilful Defaults, neither upon *Bond Obligatory* duly proved, unless the Defendant, shall by good and satisfactory Evidence, prove to the Court either before or upon Rendering Judgement, that such *Nihil dicit* or default, was Occasioned by *Sickness*, *Stormy-weather*, or other such *Providential Obstruction* of the Defendant or his Attorney, as shall be by the Judges of such Courts allowed of, nor shall a Rehearing be Granted upon any Judgment obtained upon a *Bond Obligatory* duly proved; unless the Defendant give in good and sufficient Security, to the satisfaction of the Judges of such Court, to pay double Costs and Damages to the Plaintiff, in Case he shall not obtain a Reversal of said Judgment, on such Rehearing by him to be prosecuted.

The Party  
re-hearing to  
pay Seven  
Shillings &  
Six-pence.

AND be it further Enacted by the Authority *aforesaid*, That upon Granting every Rehearing, the party desiring the same, shall pay to the Clerk of such Court, the Sum of *Seven Shillings and Six-pence*, Current Mony. Any Act or Acts Clause or Clauses of Acts to the contrary hereof notwithstanding.

Laws

# L A W S

Made and Past by the General Assembly of His Majesties Colony of *Rhode-Island*, and *Providence-Plantations*, in *New-England*, begun and Held at *Newport*, the Seventh Day of *May*, 1718. and Continued by Adjournments to the Ninth Day of *September* following.

AN ACT, to prevent *Indians* being Sued for Debt,

**W**HEREAS several Persons in this Colony, out of Wickd Covetous and Greedy designs, often draw *Indians* into their Debt, and take unjust advantages of their inordinate Love of Rum, and other Strong Liquors, by Selling the same to them, or otherwise to take advantages by Selling them other Goods at Extravagant Rates upon Trust, whereby said *Indians* have been Impoverished, to the dishonour of this Government.

For the preventing thereof for the Future,

**B**E it Enacted by the General Assembly of this Colony, and it is hereby Enacted, That from and after the Publication of this Act, no Process shall be Granted, nor Suit be Received or Lye before any Justice or Justices of the Peace, Assistants or Courts of Tryals in this Colony, against any Indian or *Indians* for Debt, to be made or Contracted by such Indian or *Indians*, at any time or times after the Publication hereof; and that no Indian shall be Bound an Apprentice or Servant to any of His Majesties Subjects, without the Consent, Allowance and Approbation of Two Justices of Peace of this Colony, and for good consideration there for, and Testified to, under the Hands of such Justices; any Law, Custom or Usage to the contrary, in any wise notwithstanding.

*No Indian be trusted up any account whatsoever. Whosoever Trusts an Indian loses his Debt. No Indian to be a Servant, but for a good consideration.*

**W**HEREAS the Body of Laws for Settling and Regulating of the Military Forces within this Colony, are increased to so Great Number by reason of the many Wars, which from time to time this Colony hath so engaged in against French, *Indians* and other Enemies, which hath rendred many of them Useless, and may be for the Future Prejudicial, if not Repealed.

**B**E it therefore Enacted by the General Assembly of this Colony, and by the Authority of the same, and it is hereby Enacted, That all Acts heretofore made, Relating to the Militia, or appointing Officers of the same, Be hereby and Absolutely Repealed and Declared Null and Void, and that for the future the following Order, Regulation and Rules Relating to the same, be Kept and Observed by all Persons in this Colony.



All persons to  
Train, from  
Sixteen to  
Fifty.  
These only  
excepted.

First, it is Enacted and appointed, that all Male Persons Residing for the space of Three Months within this Colony, from the Age of Sixteen, to the Age of Fifty Years, shall bear Arms in their Respective Train-bands or Companies whereto by Law they shall belong, Excepting only all Persons that shall have Served in the Place of General Officers, Justices of the Peace or other Commission Officers, one Minister or Teacher of each respective Congregation in each respective Town, all Sworn Practitioners in Chirurgery and Physick, all Apothecaries and School-masters, and also one Miller to each Grift Mill, one Ferry-man to each stated Ferry, one Goaler to each of His Majesties Goals in the Colony, and all those that have lost one of their Eyes, or disabled by Lameness, and all Persons that are under Oath or Engagement to any Office.

Captain General, and  
Lieutenant  
General  
appointed.  
The Militia  
divided into  
Companies.

AND it is hereby Declared and Enacted, That the Governour of this Colony the time being, shall be the Captain General and Commander in Chief, of and over all the Military Forces within this Colony, and the Deputy Governour for the time being shall be Lieutenant General of the same.

AND be it further Enacted by the Authority aforesaid, That for the better Ordering and Training up the Inhabitants of this Colony, that the several Companies or Train'd-bands, shall remain in the Stations and Bounds and Division by the which they have been heretofore Divided Known & Distinguished, until some further or New Division or Bounds be Stated Appointed or Limited by lawful Authority.

That is to say, Three Companies in the Town of *Newport*, Three Companies in the Town of *Providence*, one Company in the Town of *Portsmouth*, one Company in the Town of *Warwick*, Two Companies in the Town of *Westerly*, one Company in the Town of *New-Shoreham*, Two Companies in the Town of *Kingstown*, one Company in the Town of *East-Greenwich*, and one Company in the Town of *James-Town*.

And into  
2 Regiments.  
Each Regiment  
to be  
Led by  
one Colonel,  
Lieutenant  
Colonel and  
Major to be  
appointed by  
the Assembly.  
Each Company  
to have one  
Captain,  
Lieutenant &  
Ensign to be  
appointed by  
the Assembly.  
The Govern-  
our's power  
to appoint  
Officers, if  
they Die.

AND be it further Enacted by the Authority aforesaid, That the Militia of this Government be, and it is hereby Divided into Two Regiments. That is to say, The Militia of *Rhode-Island*, *New-Shoreham*, alias *Block-Island*, *Conamcut*, *Prudence* and *Patience-Island* be one Regiment, and shall be the First and Eldest Regiment; and the Militia on the *Main-Land* in this Colony, shall be one other Regiment, and shall be the second and youngest Regiment; each of which Regiments shall be Govern'd, Guided and Led by one Colonel, one Lieutenant Colonel, and one Major, which shall be Annually Chosen for each Regiment by the General Assembly of this Colony, during their Sitting on the First *Wednesday* of *May* annually; and that each Company or Trained Band in each of the aforesaid Regiments, shall be Guided, Conducted and Led by one Captain, one Lieutenant, and one Ensign; the which shall annually be Elected and Chosen by the General Assembly of this Colony, during their Sessions on the First *Wednesday* of *May* annually; all which Military Officers so Chosen as aforesaid, shall be Commissionated by the Governour of the Colony for the time being, under the Seal of the Colony: And if any Colonel, Lieutenant Colonel, Major, or other Commission Officer Chosen as aforesaid, shall refuse to Serve in such Office, to the which he shall be Chosen, or shall happen to Die; that then and in such cases, it shall and may be lawful for the Governour, or in his absence, for the Deputy Governour, by and with the consent of the General Council, at any time when the General



neral Assembly shall not be Sitting to chuse and appoint so many other Officers to Serve in the room and stead of those that shall refuse or Die as aforesaid, until the first Wednesday of *May* next ensuing such choice and appointment; the which Officers so Chosen, shall be Commissionated as above-said; and before any Military Officer shall Enter upon the Execution of his Office, he shall take the following Oath or Engagement.

The Form of the Engagement of Military Officers.

**Y**OU A. B. Being by the General Assembly of His Majesties Colony of Rhode-Island, and Providence-Plantations, Chosen and Elected unto the Place and Office of \_\_\_\_\_ of \_\_\_\_\_ Do solemnly Engage true Allegiance unto His Majesty, King George, His Heirs and Successors to bear, & also good Fidelity to this His Majesties Colony, and the Authority therein Established, according to our Charter. And you do also further Engage, well and truly to Execute the Office of \_\_\_\_\_ to the which you are Elected according to your Commission, and to perform and observe the Laws made and provided for the support, and well ordering of the Militia, without partiality; and that you will observe and follow such Orders and Instructions as you shall from time to time receive from your Superiours: And this Engagement you make and give upon the Peril of the Penalty of Perjury.

**AND** be it further Enacted by the Authority aforesaid, That it shall and may be in the power of a Captain, Lieutenant and Ensign, of each respective Company, to nominate and appoint a Clerk, and all other Inferiour Officers as shall be requisite, for the management of their respective Company, the which Clerk so chosen, shall be under Oath or Engagement, for the performance of his said Office, and the Captain of each Company is hereby Impowered and Required, to administer the same; the which Oath shall be in the Form following.

**Y**OU A. B. Do solemnly Engage well and truly to perform and Execute the Office of Clerk of the Company, or Train-Band, under the Command of C. D. to the utmost of your skill and ability, without partiality, according to the Laws of this Colony, as Relate to your Office.

**AND** be it further Enacted by the Authority aforesaid, That every Listed Soldier of the said Militia, shall be always provided with one good Musket, or Fuzee, the Barrel whereof not to be less than three foot and an half in length, to the satisfaction of the Commission Officers of the Company; also one pound of good Gunpowder, thirty Bullets, fit for his Gun, six good Flints, fit for Service; one good Sword, or Baionet, a Cartouch Box, ready fitted with Cartriges of Gunpowder and Bullets, on the penalty of Three Shillings, for each time he shall be found not provided as aforesaid; the which shall be Distrained by the Clerk of the Company, by Warrant from the Captain of said Company, and Six-pence more for such Distrain, upon the Goods and Chattels of such defective person, to and for the use of such Company.

**AND** be it further Enacted by the Authority aforesaid, That the Captain of each respective Company or Train-band or in his absence, the next Superiour Officer, shall lawfully Warn and Call together the Company under his Command



*The number  
of days.*

mand, and Exercise them in Martial Discipline, two Days in each Year in time of Peace and Four in War ; which Days shall be at his own appointment, the first of which Warnings shall be by a Warrant directed to the Corporals, to Notifie them to appear compleatly Accoutred as aforesaid, and other Days according to his own Discretion.

*Three Shil-  
lings Fine  
for neglect of  
Appearing.  
How taken.  
The overplus  
to be return'd.  
How the fines  
shall be dispo-  
sed of.*

*AND* be it further Enacted by the Authority aforesaid, That every Enlisted Person, that shall Refuse or Neglect to make his Personal appearance Accoutred as aforesaid, on such Training Days as he shall be Legally Warned to, shall for every such Default pay to the Clerk of the Company, *Three Shillings* in Mony, within one Months time after such default, or make his lawful excuse to the Captain, or in his absence to the next Superiour Officer for the same, if any he have, & if such defaulter shall Refuse so to do, that then the Captain, or in his absence the next Superior Officer shall Grant forth his Warrant to the Clerk of the Band, to take and distrain so much of the Personal Estate of such delinquent Person, or such as shall have them in Tuition, as near as conveniently may be will pay his Fine or Fines, together with *Six-pence* more for each Fine distrained for the Clerks Fees ; and such Estate that shall be taken by distress, shall be duly Apprized by Two Free-holders of said Company, under Engagement at the head of said Company, and the Captain is hereby Impowred to Administer the same, and the overplus if any there be, to be returned to the owner thereof, and if he shall refuse to receive the same, then the Clerk shall give him Credit for the same, which shall be accounted for out of his next Fine that shall become due ; and all such Fines taken as aforesaid, shall be laid out to and for the Use of such Company, by order of the Commission Officers thereof, for the defraying their Incident Charge.

*How to pro-  
ceed with  
persons that  
have no visible  
Estate.*

*AND* be it further Enacted by the Authority aforesaid, That in Case such Persons as shall be delinquent as aforesaid, shall have no Personal Estate to be found to satisfy such Fines as aforesaid, that then the Captain of such Company, shall set such delinquent Person to work, in mending the Highways of such Town, not exceeding one Day for each Fine ; and if such defective person shall refuse to do the same, then the Captain, &c. shall commit such Offenders to Prison, twenty-four Hours, or wait further to take his Estate by Distraint.

*The penalty  
on the Inferi-  
our Officers  
refusing to  
obey his Su-  
perieur.*

*AND* be it further Enacted by the Authority aforesaid, That if any Clerk or other Inferiour Officer of the Band, shall refuse to obey his Superiour Officers Warrant when to him Directed, shall forfeit for every such Offence, *Ten Shillings*, to and for the use of such Company, to be taken by Distress in manner as aforesaid.

*All persons to  
be provided  
with Arms,  
&c.  
On the penalty  
of Five Shil-  
lings for eve-  
ry defect.*

*AND* be it further Enacted by the Authority aforesaid, That all such Persons before in this Act excus'd from Training, yet shall notwithstanding be provided with the same Arms, Ammunition, &c. as by this Act is required of such as are obliged to Train, & that once every year, or oftner, as the Chief Officers of any Company shall see needful, there shall be either by such Officers, or others by them appointed, a Survey and Examination made, whether such Persons are provided as by this Act is Required ; and all such Persons as shall be found unprovided with such Arms as before Required, shall pay the Fine of *Five Shillings* for each default, to be Levied by Distress and Sale of the Defaulters Goods, as in other Cases.

AND

*AND be it further Enacted by the Authority aforesaid,* That upon any Alarm in time of War, or other eminent danger of any Assault or Invasion, all Male Persons, both Listed Soldiers and others in this Colony, of and between the Age of Sixteen Years and Sixty, shall upon notice of the same, forthwith Repair to the Colours and Ensigns of such Company, within whose Precincts they Inhabit or dwell, provided with Arms & Ammunition required of Trained Soldiers upon Training Days; and in Case any Person shall not appear as aforesaid, such Defaulter shall Pay the Fine of *Five Shillings*, to be Levied by order of the Chief Officers of such Company, by Distress and Sale of such Defaulters Goods as in other Cases.

*At perſone from Sixteen to Sixty, to appear upon Alarm. On the penalty of Five Shillings.*

*AND it is further Enacted by the Authority aforesaid,* That it shall and may be in the Power of the Governour and Deputy Governour of this Colony for the time being, or either of them, to Assemble and call together each of the Regiments of the Militia in this Colony, or any part of them or either of them at any time, as they shall think needful or necessary for the same; and if any Enlisted Soldier being duly warned to appear at any such time as shall be appointed, shall neglect the same, he shall Forfeit and Pay as a Fine; *Five Shillings* in money, to be taken and disposed of for the Use of the Company, where such defect shall be, as other Fines are.

*AND be it further Enacted by the Authority aforesaid,* That if the Captain; or in his absence the next Superior Officer of any Company or Train'd-band, shall neglect legally to Warn and Call together his Company under his Command, two Days in every Year in time of Peace, and four in time of War, he shall for every Day by him omitted or neglected, Forfeit and Pay as a Fine to and for the Use of said Company, *Forty Shillings* in Money; and if such Officer to neglecting shall Refuse to Pay the same, for the space of one Month next after such his default, that then and in such Cases the Colonel, or in his absence the Lieutenant Colonel, of the Regiment where such omission or neglect shall happen to be, shall Grant both his Warrant to the Clerk of the Band where such omission or neglect has been, to distrain so much of the Estate of such defaulter to be disposed of as aforesaid.

*Every Captain &c. to Call his Company together twice in the year. On the penalty of Forty Shillings.*

*AND be it further Enacted by the Authority aforesaid,* That in Case any Captain, or in his absence, the next Superiour Officer of any Company or Trained Band, shall neglect to give forth his Warrant to the Clerk of the Band to Collect and Gather such Fine or Fines as shall be due, he shall Forfeit and Pay to and for the Use of such Company, all such Fines as shall be to them due, the which shall be taken by distrait, by Warrant as aforesaid.

*If the Captain of the Company neglect to grant forth his Warrant for the Collecting of the Fines, he shall pay the same.*

*AND be it further Enacted by the Authority aforesaid,* That if any Enlisted Soldier, shall upon any Training or Muster Days, Refuse to Obey his Respective Officers, or otherways misbehave himself, that then it shall be in the Power of the Captain & Commissioners of each Respective Company, to Punish such Offender, by laying him neck and heels, or Riding the Wooden-Horse, or Fine him at Discretion, not exceeding *Five Shillings*.

*On Training Days the Captain to punish by fine, or otherways such as offend.*

*AND it is further Enacted by the Authority aforesaid,* That the Colonel of each of the aforesaid Regiments, shall by and with the Advice or Order of the Captain General, or Lieutenant General, Call together the Respective Re-



*A General  
Muster to be  
but once in  
five years.*

giment under his Command, to a General Muster, to Review and Exercise the same once in five years, and not oftener; and the Commission, and other Interiour Officers and Private Centinels of each respective Company, are hereby Commanded and Required, to yield all due Obedience to their respective Field Officers upon a General Muster, or upon any other Training and Muster Day, as Private Centinels are Required to do to their other Commission Officers, upon the Penalty of incurring the like pains and forfeitures as afore provided.

**A**ND WHEREAS it appears needful for His Majesties Service, and the Defence of this Colony, that there should be a Body of Horse Raised, for the more speedy opposing or prosecuting of any Enemy.

*Three Troops  
of Horse to be  
Raised.*

*To consist of  
sixty men each.*

*Trooper's Acc.  
countrements.*

**B**E it therefore Enacted by the Authority aforesaid, That all proper means be used, and Encouragement given by the Governour, Deputy Governour, and General Officers of this Colony, for the Raising of three Troops of Horse, each Troop not to consist of more than Sixty Persons, including Officers, one of which Troops is to be Raised out of the Regiment upon the Islands, and the other two Troops to be Raised out of the Regiment upon the Main-Land: And that when there shall be to the Number of Twenty Eight Persons Enlisted in any of said Troops, that then upon due application to the General Assembly, there shall be by them Nominated and Appointed such Officers for the Commanding, Ordering and Disciplining of such Troop, as to said Assembly shall appear proper and needful for the ends aforesaid; which Officers shall be Engaged and Commissionated as the Officers of the Foot Companies are: And that every Trooper shall be always provided with one good serviceable Horse, of fourteen hands high, one good Saddle, Bitt-Bridle, Holsters, Breast-plate and Crouper, one Carbine, one pair of good Pistols, one Sword, one pound of Gunpowder, thirty sizeable Bullets, twelve good Flints, one good pair of Boots and Spurs, upon the Penalty of *Two Shillings* for every default in every of the aforesaid Accountments; and that the Field Officers of each Regiment, shall appoint the Cloathing of every of the Troops of the same.

*How many  
days to Muster  
in a year.  
Upon Non-  
appearance to  
be fined Five  
Shillings.*

**A**ND be it further Enacted by the Authority aforesaid, That the Captain, or in his absence the next Superiour Officer, shall Warn the Troop under his Command to Muster two several Days in every year in time of Peace, and four in time of War, at his own appointment, as the Foot Companies are; Every Trooper upon default of Non-appearance of such Muster, when legally Warned thereunto, shall pay as a Fine, to and for the use of such Troop, *Five Shillings* in Money, to be taken by Distress in like manner as the Fines in the Foot Companies are; and for every default of Appearance on an Alarm, every Trooper shall pay a Fine of *Ten Shillings*, to be taken and disposed of in manner as aforesaid.

*Penalty on the  
Captain, &c.  
that neglects  
their Duty.*

**A**ND be it further Enacted by the Authority aforesaid, If the Captain, or in his absence the next Commanding Officer shall neglect to Muster and Exercise his Troop two several Dayes in each year, &c. he shall be under the like Fines as the Commission Officers of the Foot Company are; to be Recovered and Disposed of in the like manner.

*And*



AND be it further Enacted by the Authority aforesaid, That the Commission Officers of each Troop, shall have the same power to punish or fine such Troopers as shall refuse to obey their Commands on their Muster Days, or shall otherways misbehave themselves as the Captain of the Foot Companies have. And that the Clerk of each Troop shall pay Ten Shillings for every defect of his, in neglecting to observe such Warrant as from his Superiour Officers shall be to him directed. Penalty on the Clerk.

### The Form of the Commission for Colonel

By the Honourable A. B. Esq; Governour of His Majesties Colony of Rhode Island, and Providence-Plantations in New-England.

To C. D. Gent. Greeting.

YOU C. D. Being by the General Assembly of this Colony, Elected and Chosen to the Post and Office of Colonel of the Regiment of Militia on the Islands in this Colony, are hereby in His Majesties Name, George, by the Grace of GOD, over Great Britain, France and Ireland, King, Defender of the Faith, &c. Authorized, Impowered and Commissionated to Exercise the Office of Colonel of the said Regiment, and to Command, Guide and Conduct the same, or any particular Company or Companies thereof; and in case of any Invasion or Assault of a Common Enemy, to infest and disturb this His Majesties Plantations; You are to Alarm and Gather together under your Command, or any part thereof, as you shall deem sufficient, and with them to the utmost of your skill and ability, you are to Resist, Expulse, Expel, Kill and Destroy the same, in order to preserve the Interest of His Majesty, and His Good Subjects in these Parts: You are also to follow such further Instructions and Directions as shall from time to time be further given forth either from the General Assembly, the Governour and General Council: And for your so doing, this Commission shall be your sufficient Warrant and Discharge. A Colonels Commission.

And the like Form of Commission shall serve for all other Commission Officers, *Mutatis Mutandis*.

AND be it further Enacted by the Authority aforesaid, That all the Commission Officers of the Militia, shall be and remain in their Respective Posts, until the General Assembly at their Sitting on the first Wednesday of May next, shall appoint Commission Officers for the same.

AND be it further Enacted by the Authority aforesaid, That the Governour and Deputy Governour, Members of the General Council, with the Field Officers and Commission Officers of each Regiment, and the Justices of the Peace that live within the same, or the Major part of them, shall be a Council of War, for each of said Regiments, both in Peace and War, to settle all Watches and Wards, and to put in Force and Execute the Law Martial as need may Require, and Generally to Say, Do and Act all and whatsoever Things shall be needful, necessary or proper for a Council of War to do. Who shall be a Council for each Regiment.



*In time of  
any Invasion,  
&c. the Go-  
vernour, or  
Deputy Go-  
vernour to  
Commissionate  
and Equip  
out sufficient  
Force to repel  
the same.*

*AND be it further Enacted by the Authority aforesaid,* For the securing of this Colony, and the Navigation thereof against Privateers, in time of War, and Pyrates in time of Peace, which may infest the same; that the Governour of this Colony for the time being, or in his absence, or by his leave and permission, the Deputy Governour of the same, shall, and may in time of War, or any other emergent Occasion, Impower and Commissionate such person or persons, as he shall deem and adjudge to be Loyal, Courageous, and capable to Command such Ship or Ships, or other Vessels (as by and with the advice of so many of the Council, and Field Officers, as may be had at such time be thought needful for, as to Repel, or take any Privateer or Pirate, as shall infest this Colony; and also to take up and Impress such Ship or Ships, or other Vessels, as shall be deemed needful for the same; and to equip and fit the same for the Sea, and with Arms, Ammunition and Provisions, and such other necessary Stores as shall be requisite, out of the Colonies Magazine, if sufficient there be; otherwise to Seiz and Impress such Stores and Ammunition as shall serve for the same; and also to Enlist or Impress such and so many Seamen and others, as shall be needful and requisite to Man out such Vessels as shall be taken up or Impressed as aforesaid; such Vessel or Vessels so fitted out, not to Cruise any longer at one time, than ten days, the Danger of the Seas only excepted.

And for the Encouragement of Seamen and others to Enlist themselves voluntarily on such Occasions.

*All that's  
taken to be-  
long to the  
Captors.*

*Be it further Enacted by the Authority aforesaid,* That all such Ships or other Vessels that shall be taken from the Enemy, during such Cruise, together with their Loading and Appurtenances, shall be, and remain to the Captors, His Majesties Dues, and the Charge of the Out-sett only excepted; and in case that nothing shall be taken from the Enemy during such Cruise; the Charge thereof shall be born by the Colony.

AN ACT for Relieving such as shall be Maimed in the Colonies Service, and the Widow, Parents or Relations of such as shall be Kill'd in the Colonies Service, and shall not be able to Subsist and Maintain themselves.

*Whoever shall  
be disabled in  
the Colonies  
Service, to be  
maintain'd at  
their Charge.*

*BE it Enacted by the General Assembly of this Colony, and by the Authority of the same,* That if any Officer, Soldier or Sailor, that shall be employed by this Colony, against HIS MAJESTIES Enemies, in defence of this Colony or otherwise, shall be Maimed and Disabled by loss of Limb or Limbs, or otherwise from getting a livelihood for himself and Family, or other Relations that have dependance on him for Maintainance; that then and in such Cases, such Maimed Person, shall have his Wounds carefully looked after and healed at the Colonies charge, and shall have an Annual Pension allowed him out of the General Treasury, sufficient to maintain himself and Family, or other Relations whose Maintainance is incumbent on him.

*AND be it further Enacted by the Authority aforesaid,* That if any Person or Persons shall be Slain in this Colonies Service as aforesaid, and have the charge

charge of Maintaining a Wife, Children, Parents or other Relations, that then and in such Cases, such Wife, Children, Parents or other Relations; the Charge of whose Maintainance was Incumbent on such Person Slain as aforesaid, shall be Subscribed and Maintained by the Colony, by a Yearly Pension, to be allowed them out of the General Treasury, as by the General Assembly shall be deemed sufficient for the same, until such Wife, Children, Parents or other Relations, shall happen to Die or be able to Subsist and Maintain themselves.

And for the better putting this Act in Execution.

**B**E it further Enacted by the Authority aforesaid, That the Town Council of each Respective Town in this Colony, shall have the care and oversight of such Persons as Reside in their Respective Towns, as are Intituled to any Pension as aforesaid, and from time to time to Receive the same, and therewith supply such Persons as they shall stand in need thereof.

*The Town Council of each respective Town, to see the same perform'd.*

#### AN ACT for the better Regulation of Attachments in Civil Actions.

**W**HEREAS by the Custom of this Colony of late Years it has been allowed, that the Sheriff or his Deputies Attaching of Goods of small Value, and not answerable to the debt or damage Sued for by the Plaintiff, to be a good service of such Writ in Case of the Defendants absence, which hath been a cause that there hath not been that diligence used for the Arresting the Defendants Person as ought to be.

**B**E it therefore Enacted by the General Assembly of this Colony, and by the Authority of the same, That for the future upon any Writ delivered the Sheriff in a Civil Action, he shall by himself, or his Deputy, Use his best Diligence to Arrest the Body of the Defendant, or Defendants, and shall not Attach the Defendants Goods or Chattels, unless such Goods and Chattels so Attached be of sufficient Value to answer the damages laid in such Writ; Excepting only where the Plaintiff or his Attorney shall on the back of such Writ order the same under the Hand of such Plaintiff, or his Attorney; But in Case the Plaintiff, or his Attorney, shall so order the same, such service shall be sufficient to bring the cause to a Tryal.

*No Attachment to be made under the value of the Debt or Damage, Unless the Plaintiff order the same.*

#### AN ACT, For Distribution and Settling of Intestates Estate.

**W**HEREAS it hath been found by Experience in this Colony, to be very wrongful and injurious to the Publick Good, as well as Private Interest of the younger Children of Persons Dying Intestate, That the whole Real Estate of such Person Dying Intestate, should Descend to his Eldest Son, and thereby the other Children, whose Labours have been very useful and advantageous to their Parents, in Reducing and Improving such Real Estate, should be left Destitute.



*Administrators  
to Exhibit  
Inventories to  
the Ordinary.*

*How divided.*

*The Eldest  
Son a double  
Portion.*

*All the rest  
equal.*

**B**E it therefore Enacted by the General Assembly of this Colony, and by the Authority of the same. And it is hereby Enacted, That from and after the Publication of this Act, when any person shall Die Intestate, his Estate both Real and Personal, shall be under the care and management of such Administrator, as shall be legally appointed in this Colony; who shall Exhibit an Inventory of the same unto the Town-Council that granted such Letter of Administration, and the Appraisement of such Estate shall be by three or more good and sufficient Freeholders upon Oath to be appointed by said Town-Council; which Appraisement and Inventory being duly Exhibited and allowed by the Town-Council; the said Estate shall after Debts, last Sickness, and Funeral Charges of such Intestate paid, be divided by order of such Town-Council amongst the Widow, Children, and their Representatives, or others next of Kin of the Intestate, in manner and form following; That is to say, one third part of the personal Estate to the Wife of the Intestate for ever; as also one third part of the real Estate for her Dower, during her Life, where such Wife shall not be otherwise Endowed by said Intestate before Marriage; and also the rest of the Residue and Remainder of both the real and personal Estate amongst the Children of such Intestate, or their legal Representatives as followeth, viz. to the Eldest Son, or in case of his Death, to his legal Representatives a double Portion or share, and to each of the other Children; or in case of any of their Death, to such Child's legal Representatives, one equal part or share of said Estate, saving only that where any Child shall have had or Received from the Intestate any Portion or Settlement in the life-time of the Intestate, such Portion or Settlement shall be valued as it was worth at the time of such Settlement; and such Child shall only have so much more of the Intestates Estate, as may make the said Portion or Settlement before had or made, equal with the rest of the Children, and in case the Eldest Son shall Die in the Life-time of the Intestate, leaving no Children, nor Grand-Children; that then such double Portion shall go to the next Eldest Son of the Intestate, or his Legal Representatives, And where the Intestate shall Die, leaving no Sons nor their Legal Representatives, that then such Estate shall be equally divided amongst the Daughters of such Intestate, or their Legal Representatives, they to Inherit the same as Co-partners.

*In what case  
the Ordinary  
may order the  
Eldest Son all  
the Lands,  
&c. he paying  
the other  
Children their  
proportionable  
parts.*

PROVIDED nevertheless that where any Estate in Houses or Lands, cannot be divided amongst all the Children or their Legal Representatives, without great prejudice to, or spoiling the whole, and being so Represented and made to appear unto the Town Council, the said Town Council may order the whole or any part to the Eldest Son, he Paying to the other Children their Equal and Proportionable parts or shares according to the Apprizement thereof, and in Case the Eldest Son shall Refuse, then to such next Eldest Son successively as shall accept the same, he Paying to the other Children their proportionable parts as aforesaid.

*If any Intes-  
tate leave no  
Children, the  
Wife to have  
half the per-  
sonal, and one  
third of the  
real Estate.*

**AND** be it further Enacted by the Authority aforesaid, That when any Person shall Die Intestate, leaving no Children nor their Legal Representatives, That then one Moiety or half part of the Personal Estate of such Intestate, shall be Allotted to the Wife of the Intestate for ever, and one Third part of the Real Estate for Term of her Life, and the Residue and Remainder of both the



the Real & Personal Estate shall be equally divided amongst such of the next of Kin of the Intestate, within equal Degree, or their Legal Representatives, as shall put in their Claims thereunto before such Town Council, within the times herein after limited, viz. all such Persons as at the time of the Death of the Intestate, shall be Inhabiting or Residing within the Limits of this Colony, the Province of the *Massachusetts-Bay*, Province of *New-Hampshire* or Colony of *Connecticut*, to put in his or her, or their Claim or Claims, within one Year next after such Administration Granted; and all other Persons Inhabiting in other parts, within three Years next after such Administration Granted; and in default thereof, such Person or Persons shall be utterly Barred and Excluded for ever after, from Claiming or Challenging any Right or Interest in the same, or any part thereof.

*The Remainder to be equally divided. Claims if in New-England, to be brought in one year's time, otherwise in three.*

AND be it further Enacted, That in Case there shall be no Wife of the Intestate Surviving him, that then all such Estate of the Intestate both Real and Personal, shall be Divided amongst the Children of the Intestate in manner as aforesaid; and if no Children, then amongst the next of Kin of such Intestate in equal Degree, and their Representatives in manner as aforesaid.

AND be it further Enacted by the Authority aforesaid, That every Person to whom any share or part shall be allowed, shall give Bond with two good and sufficient Sureties to the Administrator before the Town Council, to Return and Pay back to such Administrator, his or her Rateable and Proportionable part of any Debt or Debts, that shall afterwards appear to be Due and Owing, from the Estate of such Intestate to any person or persons whatsoever, as also the Charges accruing thereon, by any Suit or Suits in Law or Equity.

And be it further Enacted, That after the Death of the Wife or Widow of such Intestate, her Thirds or Dower of the Real Estate shall be divided amongst the Children, or next of Kin of the Intestate, as by this Act shall at such time have a right to the same.

Provided always, and be it further Enacted, That it shall be lawful for any person or persons aggrieved at any Sentence or Judgment of any Town-Council, for any Matters contain'd in this Act, to appeal from such Sentence or Judgment, to the Governour and General Council of this Colony, for a final Judgment thereon; such persons giving in Bond, with sufficient Sureties, to prosecute the same with effect; and in the mean time, all Process on the Sentence or Judgment of such Town-Council to be suspended. Any thing herein contained to the contrary notwithstanding.

*Appeals to the General Council.*

AND be it further Enacted by the Authority aforesaid, That when any person being Seiz'd in Fee in his own sole and proper right of any Lands, Tenements or Hereditaments Lying within the Limits of this Colony, and shall Die Intestate, leaving no Wife or Children, nor other person or persons of Kin to him, that can lawfully claim such Estate, as Heir or Heirs at Law; that then and in such case, such Estate shall escheat and go to the Town where such Land Lies, for the use and benefit of such Town; and in case such person shall leave any Personal Estate, such Estate shall go and accrue to such Town where such person Died, or last Inhabited within this Colony; And the Town Council of such Town, shall take due care of the same, for the benefit of such Town.

*The Estate of any Intestate leaving no Heirs to Escheat to the Town.*



*Except such  
Lands as are  
held in Com-  
mon, shall go  
to the Com-  
moners.*

But in case such person shall Dye Seiz'd of any Lands, or right in Lands lying in common with other persons, and undivided, that then such Lands, or his right in such Lands shall go and accrue to such other Persons and their Heirs, as were at the time of his Death, Tenants in common with him in the same.

### AN ACT, For taking Depositions out of Court

**F**ORASMUCH as the taking Depositions of Witnesses in Civil Causes, is often necessary, by reason of the uncertainty of the Life, Health and continued Residence of such Witness, until the Sitting of the Court, to Try such Causes; and that the Depositions of Witnesses be rightly and truly taken, according to their intent and meaning, and Transmitted to the Court.

*Evidences to  
be taken be-  
fore a Justice,  
&c.*

*If the person  
notifie the  
adverse party  
to be there.*

**B**E it therefore Enacted by the General Assembly of this Colony, and by the Authority of the same, That it shall and may be lawful for either Plaintiff or Defendant in any Civil Action Commenced for or against him at any Court in this Colony, to take out a Summons from any Assistant or Justice of the Peace of the Neighbourhood for such Witness or Witnesses to appear before him, to give in his or their Evidence of what he, or they know in the Case then depending; provided that a Notification be first taken out from said Justice, to the adverse Party, if dwelling within ten Miles of the Place, and unto him Read, to be present if to be found at the place of his or their usual Habitation; or if not to be found, a Copy thereof being left there for him or them a reasonable time before the Examination of such Witness or Witnesses; every such Witness to be carefully Examined and Charged by such Justice to Declare the whole Truth, and nothing but the Truth between said Parties, which Deposition is taken, and wrote by the Justice, or other person by his appointment; and being attested by such Justice, is to be delivered to the Party, at whose desire the same was taken, a Copy thereof to be delivered to the adverse Party, if by him or them then desired, and paying for the same; which Charges shall be allowed to the Party that shall obtain Judgment in the Bill of Costs, neither of the Parties, nor their Attorneys to draw any such Evidence

### A N ACT for Discouraging, Vexatious and Unjust Suits in Law

**W**HEREAS it hath been found that Suits and Actions at Law, have been much Increased of late Years, by the Vexatious and Litigious Dispositions of either Plaintiffs or Defendants, in either Suing for what is not their due, or Unjustly withholding the same from others, and are much Encouraged thereto by reason the Usual Costs to the Parties Obtaining Judgment is not answerable to what may reasonably be allowed.

For

For the Discouraging the same for the future.

**B**E it therefore Enacted by the General Assembly of this Colony, and by the Authority of the same, and it is hereby Enacted, That when and so often as either Plaintiff or Defendant, in any Action or Suit in Law or Equity, shall obtain the Judgement of any Court of this Colony, for him, her or them, that there shall be allowed and Taxed in the Bill of Costs, *Two Shillings and Six-pence, for every Ten Miles distance from the Place of such Persons; and each of the Witnesses Habitations to the Court where such Cause shall be Tried, and Two Shillings per Day for such Person or Persons, and each of his, her or their Witnesses, for their Attendance on said Court.* *Two Shillings and Six pence allowed for every ten Miles Traveling to Court. Two Shillings per Diem for Attendance.*

PROVIDED always, that in Case the Evidence of any such Witnesses so attending, shall appear to such Court to be frivolous and not material to prove the Issue in the Cause, it shall be in the Power and at the Discretion of the Court to allow him nothing, for such their Travel and Attendance in such Bill of Costs, and the Persons who Summoned them, shall Pay their Costs for Coming, Attendance, &c.

AN ACT, Directing Proceedings in Actions and Suits, wherein either the Recorder or Sheriff are Parties.

**B**B it Enacted by the General Assembly of this His Majesties Colony, and by the Authority of the same, That when and so often henceforward, as the Recorder of this Colony for the time being, shall be a Party in any Action or Suit, either as Plaintiff or Defendant; the Writ or Writs both Original and Judicial, shall be Signed and Sealed (as the Law in such Cases Requires) by the General Attorney of this Colony, and that in all Actions or Suits wherein the Sheriff of this Colony for the time being shall be a Party, the Writs both Original and Judicial, shall be directed to the Town Sergeant of the Town, for the time being, where the Defendant in such Action or Suit, shall be an Inhabitant to Execute the same. *The General Attorney to Sign all Process where the Recorder is party. All Writs where the Sheriff is a party, shall be directed to the Town Sergeant.*

AN ACT, for the better Regulating of the Collectors and Naval Officers Fees within this Colony.

**F**ORAS MUCH as the General Assembly of this Colony held at Warwick, on the Twenty-fifth Day of October, 1710. Past an Act for the Regulating and Stating the Collectors and Naval Officers Fees within this Colony; which Act being found not to be so Extensive as was intended, Therefore the same is hereby Declared Null and Void, and of none Effect.

**A**ND be it Enacted by this General Assembly, and by the Authority thereof it is Enacted, That these Fees hereafter mentioned, shall be the stated Table of Fees for the Collector and Naval Officer within this Colony, and that the



The Collector and Naval Officer to take no greater Fees than is herein stated. on the penalty of Twenty Shillings, & paying all Damages.

Collector and Naval Officer, they, or either of them, or any Deputy under either of them, shall not take any other or greater Fees than is therein mentioned, on the Penalty of Forfeiting *Twenty Shillings* to the Colony for every Offence, to be recovered before any on Assistant or Justice of the Peace, upon Complaint made of such, where such Offence shall be Committed, together with the Costs accruing, and the party aggrieved thereby, shall Recover his damages; if under *Forty Shillings*, before any Assistant or Justice of the Peace, of the Town where such Offence shall be Committed; and if above *Forty Shillings*, at the General Court of Tryals.

A Table of Fees for the Collectors Office, for Vessels Trading to Europe, or to the *West-Indies*.

	<i>l</i>	<i>s</i>	<i>d</i>
<b>E</b> Ntering Inwards.	00	02	00
Permit to Unload.	00	01	00
Entring Outward.	00	01	00
permit to Load.	00	01	00
Clearing Outward.	00	02	06
Bill of Store,	00	01	00
Certificate for <i>European Goods</i> ,	00	01	06
Signing the Register.	00	03	00

A Table of Fees for Coasters.

<b>E</b> Ntering Inwards.	00	00	06
Permit to Unload.	00	00	04
Entering Outward.	00	00	04
Permit to Load.	00	00	04
Clearing Outwards	00	00	06
Certificate for <i>European Goods</i> .	00	01	00
Bill of Store.	00	00	06
Permit to unload a small quanti, the Vessel not Entered.	00	00	08
Endorsing the Register if Requested.	00	01	06

A Table of Fees for the Naval Officer.

<b>T</b> O the Governour for Signing the Register.	00	06	00
To the Naval Officer for Writing the Rigestter.	00	03	00
Entering Sloops, Coasters.	00	00	06
Clearing Ditto.	00	00	06
Entering Ships or Sloops Foreign.	00	01	00
If they give Bond.	00	03	00
Clearing Ships or Sloops Foreign.	00	03	00
Cocquet for <i>European Goods</i> , Each.	00	01	00
Bill of Store.	00	01	00
Bond.	00	01	00
All Certificats from Great Brittain to shew Bond given.	00	03	00

An

AN ACT, For Calling in the Three Pound Bills of Credit Emitted by this Colony, in the years One Thousand, Seven Hundred and Ten, and One Thousand, Seven Hundred and Eleven.

**F**ORASMUCH as the Three Pound Bills of Credit on this Colony, Emitted in the Years aforesaid, have been Counterfeited, whereby great Damages have happened to several persons, which may discourage the Currency of said Bills, if not prevented.

**B**E it therefore Enacted by this Present Assembly, and by the Authority of the same, It is Enacted, That the Possessors of Three Pound Bills of Credit of this Colony, Emitted in the years aforesaid, Do bring *Three Pound Bills to be paid into the Treasury, by the first of May, 1719.* into the General Treasury of this His Majesties Colony, all the aforesaid Bills, before or upon the First Day of May, in the year of our Lord, One Thousand, Seven Hundred and Nineteen, where all the said Bills shall be Changed with other Bills of Publick Credit; and all of the aforesaid Three Pound Bills of Credit that shall not be brought into the General Treasury by the aforesaid First Day of May, One Thousand, Seven Hundred and Nineteen, Be, and hereby are Prohibited to pass from man to man, or have any further Currency. Any Act or Acts, Clause or Clauses of Acts to the contrary hereof notwithstanding.

AN ACT, For the Relief of poor Prisoners.

**F**ORASMUCH as many insolvent Debtors have been thrown into Goal upon Execution by their Creditors, and have laid long Languishing, to the destroying of themselves and Families.

**B**E it therefore Enacted by this General Assembly, and by the Authority of the same, That whosoever shall keep or continue an insolvent Debtor in Prison any longer time than he shall be able to subsist himself, shall find for such Prisoner, Work sufficient to subsist himself, during his Confinement, or shall pay unto such Prisoner, Six-pence per Day during the same; and that if such Creditor shall refuse to pay the same, that then upon Complaint thereof made to any Assistant, or Justice of the Peace, and Conviction thereof, such Assistant or Justice shall grant forth a Warrant of Distress, to distrain so much of such Offenders Estate as shall satisfy and pay the same. *Insolvent Debtors to be allowed Six-pence per Diem by the Creditor.*

AN ACT, For the more speedy Tryal of such Negro and Indian Slaves as shall be found Purloining and Stealing, &c.

**B**E it Enacted by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That all Negro and Indian Slaves that shall be found Purloining, Stealing or Thieving, shall be Tried,



Negroes and  
Indians to be  
Tryed for  
Theft in the  
Town where  
the Fact is  
committed.  
An Appeal  
allowed to the  
General  
Court of Try-  
als, & Goal  
Delivery.

ed, Adjudged for the same, in the Town where such Offence shall be Committed; And the Assistants Justices of the Peace, and Wardens of such Town; or any two of them are hereby fully Impowered to Hear, Try and Adjudge the same, and upon Conviction hereof, Dehnitive sentence to give, as fully and effectually by Whipping, Banishing, &c. as the General Courts of Tryals, and General Goal Delivery, within this His Majesties Colony have been Authorized, Used or Accustomed to do.

Saving always the liberty of an Appeal to the General Court of Tryals, and General Goal Delivery, if the Owner of such Slave or Slaves shall desire the same, and give Bond to prosecute such Appeal as in other Cases. Any Act or Acts, Clause or Clauses of Acts to the contrary hereof in any wise notwithstanding.

## AN ACT, Regulating the Recorders and Sheriffs Fees, Cases that come before the General Assembly.

**B** it Enacted by the General Assembly, and by the Authority of the same, It is Enacted, That the General Recorder and Sheriff of this Colony, shall have and take the like Fees in all Cases as come before the General Assembly, as they are allowed to have and take in Causes brought to the General Court of Tryals.

# The Table.

A		D	
	Page.	<b>D</b> Eputies, how Qualified.	2
<b>A</b> Buse or Disobedience to Officers.	4	When Elected.	ib
ACTIONS in Law between the		Fine for non-attendance.	ib
Recorder and Sheriff.	99	How recovered & disposed.	ib
Administrations.	13, 14, 67,	Allowance <i>per Diem</i> .	ib
Amercement on Jurors non appearance.	30	Exempted from Arrest.	18
Appeals.	33	Deodand, and how disposed.	5
Artificers.	10	Debts from Towns, how recovered.	29
Assistants Fees.	38	Deer.	54
Affize of Bread.	59	Disobedience to Assistants, &c.	42
Attachments Regulated.	95	Disobedience to Parents and Masters.	4
Attorney Generals Fees.	21	Dogs.	42
Attorney Generals duty.	30	Drunkenness.	10
		Duty on Negroes Imported.	64
B		E	
<b>B</b> Argains.	8	<b>E</b> <i>Asst Greenwich</i> a Township.	28
Banns of Matrimony.	12	The Township Extended.	50
Bribery.	8	Engagement of General Officers.	1
Birthes and Burials.	47	of Deputies.	2
Bills of Credit Emittid.	60, 62, 63, 75,	Millitary Officers.	87
Counterfeiting of the same.	61	Clerk of Train-band.	ib
Three Pounds called in.	101	Town Officers.	23
Bond to the Sheriff.	26	Affessors.	50
Breach of Peace.	6	Jurors.	16
Burglary.	5	Evidences taken out of Court.	98
		Executors.	13
		Executions.	21
C		F	
<b>C</b> Hance Medly	4	<b>F</b> Ees allowed in Court.	21
Clerks of Courts of Tryals.	16	Fences	24
Clerks Fees.	19	Ferrys.	39
Clandestine Marriages.	12	First Day of the Week.	32
Clandestine Transportations.	46	Fire, preventing thereof.	44
Colonels Commission.	91	Fire Wood.	ib
Courts of Tryals.	15	Firing the woods.	53
Constables.	23	Form of the Bills of Credit.	60
Constables Fees.	38	Fornication.	7
Commission of a Justice of Peace.	36	Forgery.	8
Collectors Fees.	99	Fraudulence.	7
Conspirators and Champetors.	8	Forceable Entry and Detainer.	5
Colony Seal.	13		
Costs of Court secured.	54, 62		
Cursing.	11		
			General



# THE TABLE.

<b>G</b>		<b>N</b>	
<b>G</b> eneral Assembly Regulated.	40	<b>N</b> aval Office.	34
Governour or Deputy Governour to call Assemblies.	2	Fees.	65. 99
Goal in <i>Providence</i> .	45	Negroes and Indians abroad in the night.	52
Gunner at Fort <i>Ann</i> .	70	and Stealing, &c.	101
		<i>New-Shoreham</i> a Township.	27
		<i>Ninigrets</i> Shachams Lands.	68, 83
		Notary Publick.	55
<b>H</b>		<b>O</b>	
<b>H</b> igh and Petit Treason.	4	<b>O</b> fficers Fees at the Court of Tryals.	81, 84
High-ways.	73	Overseers of the Poor.	10
<b>I</b>		<b>P</b>	
<b>J</b> ames Town Erected.	31	<b>P</b> edlars Prohibited.	69
Impounding Cattle, &c.	43	Penalty for pretence to Office.	4
Importation of Slaves, &c.	78	Probate of Wills Fees.	19
Indians not to be Sued for Debt.	85	Poor Prisoners.	27, 101
Intestate Estates.	13, 95	Private Men of War.	39
Justices of the Peace:	36		
Jury-men.	16, 74		
Exempted from Arrest.	18		
Justices Fees.	38		
Intrusion on <i>Narragansett</i> Lands.	41		
<b>K</b>		<b>Q</b>	
<b>K</b> ingstown Erected.	28	<b>Q</b> uietng of Possession.	67
<b>L</b>		<b>R</b>	
<b>L</b> aws of <i>England</i> in force, in Case.	45	<b>R</b> ates.	40
Lands not Subjected to any other Government:	25	not misapplied.	45
Licensing Retailers.	41	Recording Acts of Assembly.	22
Lying, &c.	9	Recorders Fees.	20, 122
		Registring Deeds, &c.	71
		Rehearings.	29, 84
		Regulation of Rates and Taxes.	50
		Riding Excessively.	25
		Robbery.	51
		Riots.	50
		Runaways.	49, 76
<b>M</b>		<b>R</b>	
<b>M</b> aintenance of Ministers.	80		
Maiming persons maliciously.	5		
Maimed in war Relieved.	94		
Militia.	85		
Murder, Man-slaughter & Misadventure.	4		

# THE TABLE

S

Sailors.  
 Servants.  
 Sealers or Weights.  
 Sheriff attend Courts.  
     his Fees.  
     Custody of Goals.  
     to appoint his Deputies.  
 Sickneffes Contagious.  
 Special Courts.  
 Strangers. to give Bond.  
 Swearing.  
 Sodomy, &c.

32	Town dwellers in Taverns, &c.	12
10	Tryals under <i>Forty Shillings</i> .	37
9	Trade and Navigation.	46
17	Trespaffes.	7
19, 102	Troops of Horse.	91
1, 45	Traverse on Informations, &c.	6
30	Tunage.	52
65		
17		
12		
11		
6		

V

V	Exatious Suites discouraged.	98
	Voters for General Officers.	1
	by Proxy how taken,	ib

T

Tanners, Curriers & Cordwainers,  
     Regulated.  
 Theft.  
 Town Commons  
 Town Pound and Stocks.  
 Town Sergeants Fees.  
 Town Grants Confirmed.  
 Town Officers.

56		
7		
36		
26		
38		
35		
22, 34		

W

W	<i>Efterly</i> a Township.	20
	Weights & Measures.	41
	Wittneffes Secured from Arrest.	31
	Witchcraft.	5
	Wills.	13
	Writs.	17





















